

JOURNAL
OF
THE SENATE
OF
THE STATE OF INDIANA,
DURING THE
TWENTY-SIXTH SESSION
OF THE
GENERAL ASSEMBLY.

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1841.

JOURNAL
OF
THE SENATE

THE STATE OF INDIANA.

The Twenty-sixth Session of the General Assembly of the State of Indiana, begun and held at the Capitol in the Town of Indianapolis, on Monday the sixth day of December, in the year of our Lord one thousand eight hundred and forty-one.

PRESENT:

The Hon. SAMUEL HALL, President of the Senate, having taken the Chair, directed a call of the members; when the following Senators answered to their names, viz:

*From the county of Henry—*Jehu T. Elliott;

From the counties of Bartholomew and Jennings—Zechariah Tan-
nehill:

From the county of Vermillion—James Blair;

From the county of Harrison—Henry Kinzer;

*From the counties of Jackson and Scott—*John F. Carr:

From the counties of Monroe and Brown—William Berry;

From the county of Johnson—Samuel Herriott;

*From the county of Shelby—*Joseph B. Nickel;

From the counties of Hamilton and Boone—Jacob Angle;

From the county of Hendricks—Christain C. Nave;

From the county of Putnam—A. C. Stevenson;

From the counties of Grant and Delaware—John Foster;

From the county of Franklin—David Mount;

From the county of Dearborn—Johnson Watts;

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From the county of Decatur—James Morgan;
From the county of Switzerland—Joseph C. Eggleston;
From the counties of Cass, Miami and Wabash—Williamson Wright;
From the counties of Fayette and Union—Samuel W. Parker;
From the counties of Randolph, Blackford and Jay—Michael Aker;
From the counties of St. Joseph, Marshall and Fulton—Thomas D. Baird;
From the counties of Laporte, Lake and Porter—Sylvanus Everts;
From the counties of Vigo, Sullivan and Clay—James T. Moffatt;
From the county of Tippecanoe—Samuel Hoover;
From the county of Floyd—James Collins;
From the counties of Carroll and Clinton—Horatio J. Harris;
From the county of Elkhart—Ebenezer M. Chamberlain;
From the counties of Warrick, Perry and Spencer—Gaines H. Roberts;

SENATORS ELECTED IN 1841.

From the counties of Allen, Adams, Wells and Huntington—Joseph Sinclair;
From the counties of Daviess and Martin—Abner Davis;
From the counties of Gibson, Pike and Dubois—Smith Miller;
From the county of Jefferson—Jesse D. Bright;
From the county of Lawrence—George W. Carr;
From the counties of Lagrange, Noble, Steuben and DeKalb—David B. Herriman;
From the county of Morgan—Parmenter M. Parks;
From the counties of Hancock and Madison—Thomas D. Walpole;
From the county of Montgomery—Robert C. Gregory;
From the counties of Owen and Greene—David M. Dobson;
From the counties of Orange and Crawford—Isaac Sands;
From the county of Parke—Hugh J. Bradley;
From the county of Ripley—William T. S. Cornett;
From the county of Rush—Benjamin F. Reeve;
From the counties of Vanderburgh and Posey—John Pitcher;
From the county of Wayne—Lewis Burke and David Hoover;
From the county of Marion—Nathaniel West;
From the county of Washington—William Shanks;
From the the counties of Warren, White, Pulaski, Jasper and Benton—Zebulon Sheets;
From the county of Fountain—Solomon Hatfield;

Who, having severally produced their credentials, and taken the oath prescribed by the Constitution, which was administered by the Hon. Charles Dewey, one of the Judges of the Supreme Court of the State of Indiana, took their seats.

On motion of Mr. Collins,

Messrs. Davis, Sheets and Herriman, senators from newly formed districts, proceeded to determine by lot the number of years they should respectively serve, when tickets being deposited in a hat, under the direction of Messrs. Collins and Harris, appointed by the Chair as tellers, the drawing resulted as follows: Mr. Davis drew three years; Mr. Herriman drew two years; and Mr. Sheets drew one year.

Mr. Collins, (on the suggestion of doubts, as to whether the district now represented by Mr. Pitcher is not also a new district,) moved a reconsideration of the vote on the motion made by him to proceed by lot to the determination of terms of members of the new districts.

On motion of Mr. Herriman,

The motion of Mr. Collins was laid on the table.

On motion of Mr. Dobson,

The Senate proceeded to the election of Principal Secretary, Messrs. Dobson and Blair acting as Tellers, and on counting the votes, upon the first ballot it appeared that

Douglass Maguire received	- - - - -	24 votes,
C. H. Test	" - - - - -	22 "
Scattering	- - - - -	2 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting when,

Douglass Maguire received	- - - - -	24 votes,
Charles H. Test	" - - - - -	24 "

Neither having received a majority of the votes given, the Senate proceeded to a third balloting when,

Douglass Maguire received	- - - - -	24 votes,
Charles H. Test	" - - - - -	24 "

No one having received a majority, the Senate proceeded to a fourth balloting, when,

Douglass Maguire received	- - - - -	25 votes,
Charles H. Test	" - - - - -	23 "

Douglass Maguire, having received a majority of all the votes given, was declared duly elected, sworn into office by Judge Dewey, and entered upon the duties of the same.

Hon. James G. Read, Senator elect from the county of Clarke, appeared, produced his credentials, was sworn into office, and took his seat.

On motion of Mr. Stevenson,

The Senate proceeded to the election of Assistant Secretary, Messrs. Stevenson and Carr of Lawrence, acting as Tellers and on counting the first ballot it appeared that

Homer Johnson received	- - - - -	19 votes,
John H. Farquhar	" - - - - -	12 "
A. M. Holmes	" - - - - -	10 "
T. T. Albertson	" - - - - -	3 "
Cross	" - - - - -	4 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting, when,

Homer Johnson received 17 votes,
 John H. Farquhar " 15 "
 A. M. Holmes " 9 "
 Cross " 6 "
 Scattering " 2 "

No one having received a majority, the Senate proceeded to a third balloting, when

Homer Johnson received 20 votes,
 John H. Farquhar " 18 "
 A. M. Holmes " 8 "
 Cross " 3 "

No person having received a majority of all the votes given, the Senate proceeded to a fourth balloting, when

Homer Johnson received 19 votes,
 John H. Farquhar " 25 "
 A. M. Holmes " 1 "
 Scattering " 1 "

John H. Farquhar, having received a majority of all the votes given, was declared duly elected, took the affirmation of office by Judge Dewey, and entered upon the duties of the same.

On motion of Mr. Watts,

The Senate proceeded to the election of Enrolling Secretary, Messrs. Watts and Nickel acting as Tellers, and after four unsuccessful ballotings,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

And again proceeded to ballot for Enrolling Secretary, when upon the eleventh balloting the following was the result:

S. C. Dunn received 25 votes,
 W. C. Smydth " 16 "
 Scattering " 8 "

S. C. Dunn, having received a majority of all the votes given, was declared duly elected and sworn into office.

On motion of Mr. Burke,

The Senate proceeded to the election of Door-keeper, Messrs. Burke and Aker acting as tellers, when, on counting the votes, on the first ballot it appeared that

David Miller received 23 votes,
 John Cook " 19 "
 Peter F. Newland " 4 "
 Ezra Rogers " 1 "
 George Sangster " 1 "
 J. M. Marrs " 1 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting, on counting the votes of which

David Miller received 25 votes,
 John Cook " 23 "

David Miller, having received a majority of all the votes given, was declared duly elected, was sworn into office, and entered upon the discharge of his duties.

On motion of Mr. Herriott,

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Douglass Maguire Principal Secretary; John H. Farquhar Assistant Secretary; Samuel C. Dunn Enrolling Secretary; and David Miller Door-keeper; and that they are now ready to proceed to Legislative business.

On motion of Mr. Stevenson,

Resolved, That the joint rules which were in force for the Government of the last General Assembly be adopted by the Senate as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules and their concurrence requested therein.

On motion of Mr. Baird,

Resolved, That the Editors of the several newspapers in Indianapolis, be permitted to occupy seats within the Senate Chamber, during the present session, for the purpose of reporting the proceedings of the Senate.

On motion of Mr. Berry,

Resolved, That the Door-keeper be requested to make search for the Rules of the Senate, and should a sufficient number not be found, to contract with the Public Printer to have them furnished as soon as practicable to each Senator, and the President of the Senate.

On motion of Mr. Wright,

Resolved, That the rules, standing rules, and orders, heretofore in force for the Government of the Senate, be adopted as the rules of action for the Senate during the present session.

Mr. Read offered for the consideration of the Senate the following resolution:

Resolved, That a select committee be appointed with instructions to report a bill to the Senate repealing so much of the revenue acts passed last winter as relates to a State Board of Equalization, as well as the ten per cent. required as a forfeiture from all tax payers who do not pay their taxes on or before the 25th of December annually.

Which, on motion of Mr. Dobson, was laid upon the table.

On motion, the Senate adjourned.

TUESDAY MORNING, DEC. 7, 1841.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Brown their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolutions, to wit:

Resolved, That the clerk of the House inform the Senate that the House of Representatives have convened, formed a quorum and elected John W. Davis Speaker, Joseph F. Brown Principal Clerk, John Huckleberry Assistant Clerk, E. M. Benson Enrolling Clerk, and William M. Patterson Door Keeper, and are now ready to proceed to Legislative business.

Also the following resolution:

Resolved, That a committee of two on the part of this House be appointed to act with a similar committee on the part of the Senate, to wait on his Excellency, the Governor, and inform him that both Houses are fully organized, and are now ready to receive any communications that he may deem proper to make, and report to this House at what time such communications will be made, and that the Senate be informed of the adoption of this resolution and the appointment of a similar committee on the part of that body is respectfully requested; and that Messrs. Montgomery and Henley are appointed such committee on the part of the House of Representatives.

Mr. Stevenson moved that the Senate reciprocate the resolutions of the House, and that a committee on the part of the Senate be appointed, which motion prevailed.

Messrs. Stevenson and Kinzer were appointed said committee.

The following message was received from the House of Representatives by Mr. Brown, their Clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolutions:

Resolved, That the Rev. Mr. Gurley be requested to attend in the hall of the House of Representatives to-morrow morning at half past nine o'clock, and open the present session of the Legislature with solemn prayer; and that the Senate be invited to attend accordingly. Messrs. Brown of Marion and Marshall are appointed said committee on the part of the House.

Also, the following resolution.

Resolved, That the Senate be requested to attend in the hall of the House instantler, to hear the prayer of the Rev. Mr. Gurley on

the opening of the present session, and that seats be provided on the right of the Speaker's chair.

Mr. Harris moved that the Senate reciprocate the resolution first named, of the House, and that a committee on the part of the Senate be appointed.

Messrs. Baird and Collins were appointed said committee.

Whereupon, the Senate proceeded to the hall of the House of Representatives, and after listening to a peculiarly appropriate and impressive prayer to the Throne of Grace by the Rev. Mr. Gurley, returned to their chamber.

Mr. Aker offered for adoption the following resolution.

Resolved, That the Door Keeper be instructed to procure a thermometer for the use of the Senate chamber, and that it be made his special duty to keep the atmosphere within the Senate chamber as near as possible at the same temperature during the sitting of the Senate of each day.

Which was adopted.

Mr. Harris moved to take up the resolution offered yesterday by Mr. Read and laid on the table, in regard to the revenue act of last session—which motion prevailed.

Mr. Blair moved to so amend the resolution as to inquire into the expediency of the measure instead of making it imperative.

The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Angle, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliot, Everts, Gregory, Herriott, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Parker, Reeve, Sands, Sheets, Stevenson, Watts, and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—26.

So said amendment was not adopted.

Mr. Moffatt moved to strike out so much of the resolution as relates to the board of equalization.

The ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bradley, Burke, Cornet, Elliot, Everts, Herriott, Hoover of Tippecanoe, Moffatt, Mount, Parker, Sheets, Watts, and Wright—15.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Eggleston, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Morgan, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclair, Stevenson, Tannehill, Walpole, and West—34.

The question was then taken on the adoption of the resolution. The ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Eggleston, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Miller, Morgan, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclair, Stevenson, Tannehill, Walpole, and West—35.

Those who voted in the negative were,

Messrs. Baird, Blair, Bradley, Burke, Cornet, Elliot, Everts, Hoover of Tippecanoe, Moffatt, Mount, Parker, Sheets, Watts, and Wright—14.

So said resolution was adopted.

Ordered that said committee consist of Messrs. Read, Nave, and West.

Mr. Stevenson, from the joint committee appointed to wait on the Governor, made the following report.

MR. PRESIDENT:

The joint committee appointed to wait on His Excellency, the Governor, and ascertain at what time he would make his annual communication, now report that they have discharged that duty and have been informed by His Excellency, that he will, at 2 o'clock P. M. on this day, make his annual communication to the two Houses in the hall of the House of Representatives.

Mr. West asked leave to introduce a bill for the relief of the citizens of the State, which was not granted.

Mr. Pitcher, on leave granted, offered for adoption the following resolution,

Resolved, That owing to the great embarrassment of the people, and the prostration of their fiscal energies, by the unexpected and unparalleled depression of the prices of the productions of labor, it is expedient for the present to reduce the amount of taxation to a rate

equivalent only to the expenses of the State government proper, and that a select committee of five be appointed to enquire and report what amount will be necessary for that purpose.

Which resolution was, on motion of Mr. Eggleston, laid on the table.

Mr. Nave, on leave granted, offered for adoption the following resolution.

Resolved, That the Door Keeper of the Senate be authorised to contract on behalf of the State, with the editors of each of the weekly newspapers now published at Indianapolis, for three copies thereof, to be by them separately enveloped and delivered to the President and each member of the Senate, at a price not to exceed that paid by subscribers in advance for said papers.

Mr. Berry moved to amend by striking out "weekly newspapers" and inserting "Session Journal and Sentinel."

Mr. Watts called for a division of the question, and the question being taken on striking out, it was carried in the affirmative.

The question was then taken on filling up the blank, and the ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Carr of Jackson, Carr of Lawrence, Davis, Dobson, Elliot, Everts, Foster, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Nave, Parks, Pitcher, and Reeve—22.

Those who voted in the negative were,

Messrs. Blair, Bradley, Burke, Chamberlain, Collins, Cornet, Eggleston, Gregory, Harris, Herriott, Miller, Morgan, Mount, Nickel, Parker, Read, Roberts, Sands, Shanks, Sheets, Sinclair, Stevenson, Tannehill, Walpole, Watts, West, and Wright—27.

So it was decided in the negative.

On motion of Mr. Berry,

The resolution was laid on the table.

On leave granted, Mr. Cornet presented the petition of sundry citizens of Ripley county, praying a reduction of officer's fees, salaries and taxes, which was read, and

Mr. Cornett moved to refer said petition to a select committee.

Mr. Read moved that it be laid on the table, which motion prevailed.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives by their Clerk, Mr. Brown.

7. Erie and Michigan Canal, 182½ miles—estimated cost, \$2,624,823—amount expended, \$156,324. No part of this work is finished.

8. The Madison and Indianapolis Rail Road—85½ miles long—total estimated cost, \$2,046,600—amount expended, \$1,493,013. Road finished and in operation for about 28½ miles. Grading very nearly finished on 27½ miles in addition extending to Edinburgh.

9. Indianapolis and Lafayette Turnpike road—73 miles in length—total estimated cost, \$593,737—amount expended, \$72,182. The bridging and most of the grading done on 27 miles from Crawfordsville to Lafayette.

10. New Albany and Vincennes Turnpike road—105 miles long—estimated cost, \$1,127,295—amount expended, \$654,411. Forty-one miles graded and McAdamized, extending from New Albany to Paoli and 27 miles in addition, partly graded.

11. Jeffersonville and Crawfordsville road—164½ miles long—total estimated cost, without metalling, \$952,000, with metalling added, the cost would be \$1,651,800—amount expended, \$372,733. Forty-five miles partly graded and bridged, extending from Jeffersonville to Salem, and from Greencastle north.

12. Improvement of the Wabash Rapids, undertaken jointly by this State and Illinois, one half of the estimated cost of which is \$102,500—amount expended by Indiana, \$9,539.

There has also been paid for the general contingent expenses of the Board of Internal Improvements, for the purchase of instruments, &c., chargeable alike to all the public works, the sum of \$36,564 41.

By summing up the foregoing statement, it will be seen that the whole length is 1289 miles, 281 miles of which have been completed—aggregate estimated cost of all the works, \$19,914,424—amount expended for all purposes, up to this date, \$8,164,528 21.

The above estimates of the cost of the entire lines, are based on the cost of the work already done; from which it appears it would require to complete the whole of the above works, \$11,750,000. At the present reduced prices, it might take less, were it not for the loss and dilapidation on the unfinished portions of the works.*

Following in immediate connection with this view of our public works, is the amount of the whole public debt of the state. Including all our liabilities, this may be estimated at \$15,088,146. There is some difficulty in ascertaining the exact amount of a part of the items, but upon referring to the most accurate sources of information, it is believed the following statement will be found substantially correct:—

- | | |
|---|-------------|
| 1. For the Wabash and Erie Canal, | \$1,727,000 |
| 2. For the establishment of the State Bank, | 1,390,000 |
| 3. For the enlargement of the capital of said Bank, | 1,000,000 |

* The sum requisite to complete any particular work, may be seen by subtracting the amount expended from the estimated cost. Appended to the Message, is a tabular statement (A) prepared from the most authentic vouchers, and sources of information from which the above was extracted, exhibiting the work done and the expenditures, in detail.

4. Advanced to the Bank in anticipation of the fourth instalment of the Surplus Revenue, - - -	294,000
5. For bonds advanced to the Lawrenceburgh and Indianapolis R. Road Company, - - -	221,000
6. For bonds sold for the Internal Improvement System of 1836, - - -	7,050,000
7. Due the State Bank for advances on the Public Works, including interest, - - -	693,146
8. Amount of Treasury Notes outstanding, - - -	1,300,000
9. For last July instalment of interest, - - -	259,000
10. Hypothecated Bonds sold, - - -	404,000
11. Bonds now hypothecated, - - -	665,000
12. Interest on outstanding Treasury Notes, - - -	85,000
Total, - - -	\$15,088,146

There has been advanced on the bonds now hypothecated, 145,000 dollars nearly. Should this sum be refunded by the sale of State Bonds, that item will be reduced to the amount of bonds sold to redeem those hypothecated. When the revenue of the year 1841 shall be paid into the treasury, the amount of treasury notes will be reduced perhaps to \$850,000.*

That part of our liabilities usually called the suspended debt, upon which nothing has been received, in which may be included the Cohen property, consists of the following:—

1. Due from the Morris Canal and Banking Company, for Bonds sold to increase the stock of the State Bank, nearly - - -	1,000,000
2. From the same, for Bonds sold for Internal Improvement purposes, - - -	1,146,000
3. From other Companies, - - -	894,000
4. Cost of Cohen property, - - -	341,000

Total amount of the Suspended Debt, \$3,381,000

By a joint resolution, "in relation to money due in eastern cities and states, for state bonds disposed of, approved February 24, 1840," it was made the duty of the Fund Commissioners to require collateral security to double the amount of the bonds sold to the Morris Canal and Banking Company, to raise money to increase the capital stock of the State Bank, or require payment of said bonds, or the return thereof. By this transfer to the Canal Fund Commissioners, the management of this debt was taken from the officers of the Bank, and it has since then become blended with the debts contracted on account of the general Internal Improvement system.

No correct opinion can be formed of the probable amount which will be realized from the suspended debt, nor of the value of the col-

* A table showing fully the several items of the public debt, is hereto appended. See table B.

lateral securities taken at different times for its payment; the securities are as various as can be well imagined, and many of them are doubtless scarcely worth the paper employed in conveying them to the state. A part of the debt may be recovered, but how much, or when, are questions it is impossible to answer. One thing, however, is pretty certain, that very little of it can be collected in time to be used for any immediate purpose.

The public debt of the state may be arranged under three different heads.

First, That part upon which the interest can be paid without a resort to taxation. This includes the following loans, viz.

1st. Original loans to create bank stock, - - -	\$1,390,000
2d. Advanced to the Bank in anticipation of the 4th instalment of the Surplus Revenue, - - -	294,000
3d. Advanced to the Lawrenceburgh and Indianapolis Rail-road Company, - - -	221,000
Total, - - -	\$1,905,000

Second, The Treasury Notes remaining in circulation. The whole amount issued up to the first of November, 1840, was, 1,450,000 dollars. The amount which has not been returned to the treasury is estimated at 1,300,000 dollars. These bear interest from their date until redeemed, at the rate of six per cent. per annum.

Third, This part of the public debt consists of all those liabilities of every description exclusive of the treasury notes upon which interest is demandable, and for the payment of which no adequate means are at present provided.

These may be stated as follows :—

1. Bonds sold for the Wabash and Erie Canal, - - -	\$1,727,000
2. Bonds disposed of for Internal Improvement purposes, - - -	7,050,000
3. Principal due the State Bank for advances on the public works, - - -	641,500
4. Hypothecated Bonds sold and unsold, - - -	*1,069,000
5. For Bonds sold to the Morris Canal and Banking Company, to increase the capital stock of the State Bank, nearly, - - -	1,000,000
Total, - - -	\$11,487,500

This sum bears five per cent. interest, except 100,000 dollars of the Wabash and Erie Canal loan, and the amount advanced on the public works, by the bank, which bear six per cent.; and about 30,000 dollars of seven per cent. bonds recently disposed of in payment of interest. The annual interest on the above sum may be set down at 582,440 dollars. If we add to this the amount to be paid for exchanges, commission, expenses, &c. the least amount necessary

*The unsold (\$665,000,) will not draw interest until sold under the hypothecation

to discharge the interest on the above part of the public debt, will vary but little from 615,000 dollars annually.

To pay this amount of interest, the state possesses the following means, which may be relied on with certainty :

1st. The interest on the proceeds of sales of the Wabash and Erie Canal, - - -	\$24,000
2d. Interest from Surplus Revenue, - - -	\$32,000
Total, - - -	\$56,000

Which being deducted from the preceding sum of \$615,000 leaves the annual interest due under the third head, at the sum of \$559,000.

The proceeds from tolls, water-rents, &c. on the public works, will be absorbed in expenses and repairs, for some time. And all other extraordinary sources of revenue brought into the estimates usually made, are too uncertain to be relied upon at present. But I think it may be calculated safely, that in five years, should Ohio complete her portion of the work as soon as expected, the tolls and rents derived from the Wabash and Erie Canal, when added to the annual interest received from the sale of canal lands, will be sufficient to pay the interest on the loan for its construction.

It will be discovered from the foregoing statements that we have a two-fold debt pressing heavily upon us, from which immediate relief cannot be expected, namely, the sum actually expended on the system of Internal Improvements adopted in 1836, comprising works which are not in a situation to yield any profit, and also the suspended debt upon which the accruing interest is to be paid, although the State has not received any part of the principal.

It is due to ourselves in this state of our affairs, to examine into some of the prominent causes which have produced the present embarrassments. The first of these is doubtless to be found in the number of large and expensive works, embraced in the system of Internal Improvements, and their simultaneous prosecution. Also the unexpected increase in the prices of provisions, labor and materials was such that a sum much greater than the original estimates was required for the construction of the public works. Two great errors were committed in the progress of the system. The first was paying the most of the interest out of the money borrowed. This subjected the State to the payment of compound interest, and the people not feeling the pressure of taxes to discharge the interest, naturally became inattentive to the policy which was pursued. Had the legislature commenced by levying taxes to defray the interest as it accrued, its amount would have been a certain index to the sums expended on the works. This of itself would have done much to check extravagant expenditures. The second error was selling bonds on credit. This finally led to the most disastrous consequences, and it constitutes a prominent cause of the failure of the State, to progress with the general system of improvements, that those companies to whom bonds had been sold on time did not comply with their contracts. During the Summer of 1839, several very important works were rapidly pro-

gressing to completion. Loans had been negotiated with the Morris Canal and Banking Company, and other Companies of less note, amounting to nearly two millions of dollars, and generally, the proceeds were to be paid to the State in monthly instalments, so as to enable the canal commissioners to meet their engagements, with contractors on the public works. Every thing seemed to be moving forward as prosperously as could be desired until the month of August, 1839, when these Companies became unable to fulfil their contracts. As a matter of course operations on the public works ceased immediately, except on the Madison and Indianapolis Rail Road, for which a special loan had been made with a company in Madison. In a very short time the situation of the country became such, that money to progress with the works could not be obtained from any quarter.

But the enumeration of the causes which produced our present embarrassments does not stop here, particularly as relates to the non-payment of interest. The legislature at the last session made provision for the payment of interest, and the redemption of Treasury notes by authorizing the sale of bonds, to bear not exceeding seven per cent. interest, and by directing the levy of a tax of forty cents on each hundred dollars of the grand assessment. As is well known, the Fund Commissioner could not dispose of bonds on the terms required by the legislature. Nothing could be realised in the collection of taxes soon enough to meet the July instalment of interest. But this is not all. The act of 1840, authorizing the issue of the Treasury notes, made them receivable for taxes, and it will be found when the revenue of the present year shall have been paid into the Treasury, that most, if not all of it, will be returned in Treasury notes—which by law are required to be destroyed as they are received by the Treasurer of State. And the amount of these notes still in circulation must prevent us, for several years, from deriving any available means from the collection of taxes, with which to liquidate any part of the interest on the State debt. The condition of the suspended debt is such, that although portions of it may be collected, yet we cannot procure it to pay interest as it falls due.

Such is actually our condition, and candor and justice to ourselves, and to our creditors, require us to acknowledge, that we have neither under our control nor in prospect, for some time to come, the means to discharge the interest on the whole of our public debt.

It is true we might by the sale of bonds greatly below their nominal value, manage to meet our liabilities for the present, but owing to the vast depreciation of our bonds, the debt of the State would soon be augmented to a sum so large that it would be impossible under the most favorable circumstances, to sustain its accumulated weight. Such a line of policy must in the end, lead to a failure more disastrous and oppressive in its consequences, than to pause at the present period of our difficulties. Heavy sacrifices to pay interest will add to the existing burdens of the State, without the most remote promise of ultimate relief, although this may not be true in respect of measures, to secure the completion of some of the best works. The sum which

it would be necessary to lose in order to pay our interest at the present selling price of our bonds, if properly and prudently applied annually, would do more to relieve the State and calm the fears of judicious creditors, than large and continued sacrifices to meet the interest while permitting the works to decay.

Nevertheless it becomes us to leave no efforts untried to recover our former position. Indiana possesses an enterprising and a rapidly increasing population. The natural resources of the State as they shall be developed by the industry of her citizens will add continually to her wealth, and this very addition will result in a constant relative diminution of the burdens of the public debt. It is our misfortune that we cannot preserve the faith of the State unimpaired. Still we should not despair of recovering from our difficulties while any means remain within our power with which we can work. Although whatever means available at present, are insufficient to pay all the interest, on our internal improvement debt, yet can we not with these, and such other resources as can be reached, properly and prudently applied, place the State in a situation to pay her debts, and finally redeem her sunken credit. Unless infamy is to be sought in the suicidal measure of repudiating the public debt, and we furthermore adopt the destructive policy of abandoning all the public works comprized in the act of 1836, thus throwing away at a dead loss forever, all that has been expended, the State could not do better than to collect all her scattered means, which can be made available and with a determined effort, endeavour to place some of the most valuable works, in a condition to become profitable.

So far as it can be done consistently with the public good, and the pledged faith of the State, and without granting privileges which may prove detrimental to the future interests of the citizens, the State would do well to secure the assistance of companies, who may be willing to contribute towards the construction of the public works. That companies can be found to embark to any great extent in an enterprize of this character, I do not believe. Nevertheless on some of the lines it is currently understood that associations of individuals can be induced to step forward, and invest funds in the shape of Stock to an amount which will afford efficient assistance in the completion of those works.

Noah Noble, Esq., the Fund Commissioner, has been assiduously engaged through the present year in the duties of his office. Your most earnest attention is invited to his very full report, which will be laid before you. Its magnitude and the variety of topics, relating almost exclusively to the suspended debt, and the collateral securities taken to secure its payment, forbid my attempting any particular statement of its contents. You will perceive from the report that the greater part of the suspended debt is involved in doubt and difficulty. Every fair and impartial mind must receive the impression, that Indiana has been in many instances the victim of preconcerted imposition and fraud. If broken banks were to be resuscitated for dishonest purposes, Indiana Bonds were obtained by the projec-

tors to aid in the enterprise. If clamorous creditors were to be satisfied, it is to be feared that they sometimes lent assistance to their debtors, in cajoling our agents out of the bonds. If heavily operating institutions were involved in extensive speculations under which they must sink, unless a powerful effort were put forth, Indiana bonds were procured at nearly their par value, and thrown upon the money market at reduced prices, to raise the means of meeting a pressing emergency. There is nothing pleasant in arriving at these conclusions, nor in expressing them, but while so much is said in a spirit of reproof, on the subject of Indiana protecting her credit under such a complication of difficulties, we ask to have it remembered, that some of those upon whom we relied for the means of progressing with our public works, have not kept their faith with us. How much soever we may be obnoxious to censure, as a State, for the inconsiderate manner in which the system of Internal Improvements was projected and prosecuted, it is our misfortune, and not through any dishonest intention, that we occupy our present position. Could we collect the whole or even a moiety of the suspended debt, much could be accomplished in sustaining the faith of the State. It was the creation of this debt, which put a stop to the operations on the public works, and its weight is now crushing the energies of those, who are struggling to sustain the credit of Indiana.

As to our own public agents identified with these transactions, so far as any of them have wilfully violated their duty, they should answer therefor to the proper tribunals of the country. You will of course, in justice to all concerned, give this subject a fair and impartial investigation, and if necessary, direct such proceedings as justice and the interests of the State may demand.

In presenting the preceding details, views, and remarks, respecting the condition of the affairs of the State, and of the suspended debt, I have found no pleasure. An imperious sense of duty has alone induced me to adopt the course I have pursued on this occasion. As regards the public works, the State debt and our future prospects, it can subserve no useful purpose to ourselves, nor to our creditors to conceal our real situation. When all know the ground upon which we stand, the wisdom of future measures can be fully appreciated, the object at which our exertions should be aimed, can be more clearly perceived, and fully understanding the premises, the probabilities of a favorable result can be the more readily estimated by ourselves, and those to whom we may look for assistance.

At the session of Congress before the last, the claim of Indiana was confirmed to an additional quantity of land, to be applied to the continuation of the Wabash and Erie Canal, to Terre Haute; and the selections of land made by the State authorities have been recognized and allowed by the General Government. During the past summer, a survey and estimate of the cost of this work was made by an experienced Engineer, the expense of which was defrayed by the citizens of the counties through which the Canal will pass. The surveys and estimates will be laid before you, with the proper explanations. These

lands were claimed by the State, and her claim was allowed by Congress for a particular object, and it will devolve on the present legislature to determine, when, and how, it shall be applied to the accomplishment of that object.

Some modification of the laws, respecting the officers employed on the public works, is advisable, with a view to the most rigid economy consistent with the general interests. Agents to superintend the works already finished, and preserve the public property on the unfinished portions of the works, will be requisite. The office of chief Engineer, it is believed, may be dispensed with for the present, as the services of Engineers for operations on any particular line can at all times be procured. In this opinion the chief Engineer and his colleague on the Board of public works, both concur. It is not very material, what particular mode is adopted in reference to these matters, so that the interests of the State are sufficiently protected, and those retained in her service are competent, and under a proper supervision.

The affairs of the State bank will claim your attention. As exhibited on the 30th of October 1841, the condition of the bank was as follows:

MEANS:

Discounted notes and bills of exchange, -	\$3,708,158 06
Balances due from, and notes of other banks, -	417,040 82
Specie, -	1,127,518 60
Other resources, -	1,395,492 73
Total, -	<u>\$6,648,210 21</u>

LIABILITIES.

Notes in circulation, -	\$2,940,414 00
Individual deposits, -	251,986 41
Other liabilities, except those for the stock and its profits, -	294,784 46
	<u>3,487,184 87</u>
Balance being amount of State and individual stock, and undivided profits, -	<u>\$3,161,025 34</u>
	<u>\$6,648,210 21</u>

It is to be remembered that in the year 1839 the State used \$641,461.00 of the means of the Bank, upon which not even the interest has been paid, and to this amount is restricting the power of loaning to the citizens. As a matter of course, the bank, like individuals, feels the pressure of the times, and it has become almost essential to the existence of some of the branches that this debt should be liquidated.

The subject of resuming specie payments has been frequently pressed on the western banks. It is difficult to foresee all the consequences of such a measure, but one thing is certain, that a change in the times for the better, will not be fully established until there has been a return to a specie paying currency, resting on a durable basis. Still the only permanent remedy of the present distress is to be found in the removal of individual indebtedness. Such a result must be produced mainly by the profits arising from the sale of the staple exports of the country, and the interchange and transfer of property, and the surplus productions of labor in the payment of debts; and a well regulated currency, and equal exchanges are most important agents in facilitating that part of these operations, in which money is requisite in buying and selling, or to pay debts at home, and especially abroad.

It must, however, be borne in mind that another crisis is before us, in which every kind of property will be liable to a further depreciation. Just as soon as the banks resume, whether immediately or at some distant day, those banks, unable to withstand the shock, must sink, the most, if not all of them never to rise again. As most of these have a large circulation, a vast amount of paper money depreciated in value, or proving worthless in the hands of the holders, will add to the disasters of the times. At the resumption of specie payments, the paper of all those banks unable to redeem their liabilities in gold and silver, must suffer a depreciation which will render it nearly valueless in the payment of debts, until it shall have undergone the shaving process of the broker's office. One matter which materially effects the present embarrassments, consists in the great declension in prices, the real effect of which is the same as if the entire indebtedness of the country had been increased in a similar proportion to the reduction which has taken place in the value of labor, and every kind of transferable property. A like result may be produced by causing a depreciation of the circulating medium. Whenever the leading banks in the West shall have commenced paying specie, their paper must rise to the specie standard, the amount of their circulation will be rapidly diminished, and for self protection not be thrown out again, until it has been clearly ascertained what banking institutions have survived. The paper which must depreciate, and it may include the Treasury Notes of this State, will remain for the debtor, who will discover most unexpectedly, that his debts have been in effect enlarged by the increased amount of such paper which it will require to pay those debts contracted, at home and abroad, with reference to a more uniform state of the currency. Whatever consequences may spring from a resumption, I fear those will be deceived who urge the measure, under the belief that it will, unaided by other measures, prove an effectual remedy for the distracted condition of the trade and commerce of the country. The origin of the evil lies farther back, than the refusal of the banks to pay specie. The suspension is but one of the many consequences which have flowed from overbanking, overtrading, and from wild and reckless speculation, through which

wealth was sought by new and untried schemes, that have brought nothing but ruin and bankruptcy to the projectors.

The time for resumption should be selected with caution, and neither precipitated nor delayed, except for sufficient reasons. It, however, may not be amiss to remark, if many banks of doubtful solvency continue increasing their circulation, which in all probability must prove worthless in the end, the sooner the resumption takes place, the better for the country. When the banks shall undertake to redeem their liabilities in specie, they must be sustained as far as possible, for a general failure in the effort, would but augment the disasters and difficulties, which have perplexed the trade, business and moneyed concerns of the country, for the last few years. In the meantime, if we wish to hasten the approach of better times, we must live cheaper, pay our old debts as fast as our available means will enable us, even if some considerable sacrifice is required, protect the industry of our own citizens against the ruinous competition of low prices and scanty wages in Europe, and secure a sound and equal currency for the trading and commercial operations, of every portion of our common country.

As respects the State Bank of Indiana, it can, no doubt, resume at the earliest day the leading Western Banks will name. Whether it can do so at an earlier period, without permanent injury to the Bank itself, irrespective of the general welfare, is a question concerning which a more correct opinion can be formed, when the condition of the branches shall be exhibited through their annual reports to the legislature. Rash measures in reference to this subject are to be deprecated; for should the Bank be crushed under a premature attempt at resumption, the people will be deprived of a currency which has always been eagerly sought after, and that portion of the State debt invested in bank stock, which has hitherto met its own interest, and yielded a handsome profit besides, to the State, must be added to the debt to pay the interest upon which, no means exist except a resort to direct taxation: I say added to it, because the State has now nearly half her share of the capital drawn out, and the losses, incident to a sudden winding up of the concerns of the bank, would well nigh dissipate the balance. As to the general management of the bank, the strictest scrutiny should be exercised for the correction of all abuses, which may be found to exist, in order to sustain its character and usefulness, as an institution in which the people of the State have a deep interest.

The act authorising the issue of Treasury Notes provided that they should be issued of the denominations of fifty and of five dollars, in an equal amount of each kind. The larger notes have proved inconvenient for circulation, and for the payment of taxes, and have suffered and are still liable to a greater depreciation than those of the less denomination. It is believed that it would be highly beneficial to the public generally, if provision were made by law for the State to take up the fifties, by substituting in their place notes of five dollars. As the State can lose nothing by the operation, no good reason can be

conceived why this should not be done immediately, the more especially as it is now settled that they must remain in the hands of the people, until they can be taken up in the collection of the State revenue. Under existing circumstances bonds cannot be sold for their redemption, and it will require every exertion to prevent their depreciation. Their value as a circulating medium, for which they have been used must now depend on the facility with which they can be applied to the payment of taxes, and the demand created for them, by the amount of taxes to be collected.

From the report of the Treasurer of State which will be laid before you, it will be seen that the balance remaining in the Treasury on the 31st of October last, being the close of the fiscal year is \$29,774,93.

The report of the Auditor of State, which will be laid before you, shows the assessments of the present year from which the revenue of 1842 is to be derived. It appears that the whole taxable property of Indiana is valued at \$95,518,763, showing an increase over the assessments of the previous year of \$5,762,978. The number of polls returned are 103,746, showing an increase in the number of polls, of 3,458. The revenue received the present year for State purposes will be \$459,384,55. This amount is derived under the law directing an annual permanent tax of forty cents to be levied each year on the grand assessment for Internal Improvement purposes, and seventy-five cents on each poll to pay the current expenses of the State Government. These expenses are estimated for the ensuing year at \$92,750,00.

The present Librarian of the State in the faithful discharge of his duties has placed the library in excellent condition. Many books which were supposed to be lost, have been recovered by him, and some valuable additions have been made by purchase under the law of the last session on that subject. Being entrusted with the care of the capitol, close attention has been given by him to the preservation of the house and its furniture, and it is hoped that the improvements in its arrangements will prevent that want of comfort and loss of health so much complained of amongst those by whom it has been previously occupied. Some extension of the privileges of the Library, it is believed is necessary to carry out its original design.

The condition of the State Prison claims your especial regard. At the last meeting of the Legislature, provision was made by law for a partial reorganization of its government and discipline, to go into operation at the expiration of the term of the Superintendents then in office, which took place on the 14th of last June. In pursuance of the Act just named, vesting their appointment in the Executive, Joseph R. Pratt and John McDougal, Esqrs., were appointed Superintendents of the State Prison—Mr. William Collum, Clerk, Dr. Samuel Merriwether, Physician, and the Rev. Fernandez C. Holliday, of the Methodist Episcopal Church, Chaplain—all of whom entered upon the discharge of their duties according to law. Herewith, I lay before you the report of Dr. Samuel Wort, visiter, of the Prison, for the present year. He gives a full account of the state of the Prison, and makes many valuable suggestions in favor of remodelling the whole system.

During the past summer, while in the Southern part of the State, I made it a point to spend a short time in examining the Prison, its discipline and its adaptation to the purposes for which it was established. While I can freely express my satisfaction with the management of the Superintendents, so far as it came under my observation, and in favor of the provisions of the law of last winter, as far as they went, I have no hesitation in saying that the Prison itself, and the entire policy of its discipline, as established by law, cannot be too soon abandoned for the character of the State. The country has been full of rumors, for many years, of mismanagement and want of proper attention on the part of the Superintendents; but it needs only a hasty examination of the entire concern, to satisfy the most dull observer, that no man, or set of men, the best qualified that can be found, would be able to succeed in the management of the present Prison, as such an institution ought to be conducted. The Prison itself, is entirely too small, and the buildings are ill-designed and worse constructed. When the additional buildings, contemplated by the Act of last session, shall be completed, the space within the walls will be so nearly filled up, that it will be impossible to employ the convicts in the limits of the Prison, with advantage to the Superintendents, or the State. Indeed, suitable workshops, with the requisite light and air, and properly ventilated to secure the health of the prisoners, cannot be obtained without procuring an additional lot of ground, which cannot be done except at a very extravagant price.

The location of the Penitentiary on the Ohio river, in the immediate vicinity of a flourishing commercial city, furnishes every facility for the profitable employment of the convicts; and a removal to a distance from Jeffersonville is not to be desired. The ineligibility of the present site, however, is very obvious. The Prison is situated within the incorporated limits of the Town, with dwellings of the citizens near it. The practice has been for many years, and I apprehend it cannot be entirely changed until more room is obtained, to employ a part of the convicts at labor without the Prison, and it has been the cause of much just complaint on the part of the citizens of Jeffersonville, that they are daily compelled to witness convicted felons mingling with the population of the town. Situated where the Prison is, its management must, and does frequently bring the officers of the institution in conflict with the police of Jeffersonville.

It is submitted to your consideration, whether it would not be expedient and proper to so far change the present situation of the Prison, as to establish it without the limits of the town of Jeffersonville. It is believed that a suitable site, containing the requisite space, can be procured for a reasonable sum at a short distance from the Town, which will secure all the benefits of the present location, without any of its disadvantages. It is said that good stone of the proper kind, can be procured, and delivered at Jeffersonville at a low rate. A part of the prisoners might be employed in dressing and preparing this stone for the erection of a new Penitentiary. To effect this object it would only be necessary to change the existing contract with the Superin-

tendents, so far as to permit them to discharge the amount they have already agreed to pay the State, annually, for the labor of the convicts, in the preparation of materials, and the erection of the necessary buildings. As soon as the cells would be finished, the materials of the old Prison could be applied to the erection of walls and shops for the new Prison. With very little additional aid from the State, all the glaring defects of the present system might be avoided, and the improvements in prison discipline, which the experience and humanity of the age have produced for the reformation, connected with the punishment of convicts, could then, and not until then, be applied to the Penitentiary system of Indiana.

When Indianapolis was established as the seat of our State Government, upon lands granted by Congress for that purpose, a lot of ample size was reserved by the State for the purpose of a Lunatic Asylum. Nothing has been done heretofore by the Legislature to carry out the object of this reservation, although the example of several neighboring States, has been constantly before us for many years. In all the legislation respecting the insane, they have only been regarded as incapable of self-government. No provision has been made for the establishment of an institution, where they may be placed and submitted to proper medical treatment. The question is left for your decision, whether and by what means the object of the above reservation shall be effected.

The situation of the deaf and dumb in this State calls for some legislative interference. By the last census it appears that there are in this State 305 deaf and dumb persons, and our Statute books remind us that no provision has been made for their instruction. In this matter, Indiana is behind the times. The comprehensiveness of modern systems of education embraces means of instruction adapted to the capacities of this unfortunate class, by which they are readily enabled to acquire knowledge and communicate their ideas. The Constitution makes it the duty of the General Assembly to provide by law for a general system of Education, wherein tuition shall be equally open to all. A full compliance with this fundamental rule of our State Government, cannot be secured, until an Institution is provided for those, who are susceptible of an education, but to whom it cannot be imparted by the ordinary means of instruction.

As connected with the perpetuation of free principles, and the stability of our Government, no subject is of more vital importance, than the general diffusion of knowledge, from its elementary principles, to the highest grades of learning. Our State constitution has imposed it upon the General Assembly "to provide by law for a general system of education ascending in a regular gradation from Township Schools to a State University, wherein tuition shall be gratis, and equally open to all." Although there has been much legislation, but little progress has been made in the perfection of such a system. It may be that a principal cause of failure is to be found in the fact, that too much reliance has been placed in devising particular systems, which, of themselves are expected to produce the desired

result, without any reference to the peculiar state of society, or the means which can be commanded to carry out those systems. It is almost impossible to ascertain the amount, or condition, of the funds appropriated for the benefit of common schools. Are these funds in a situation to be applied as appropriated? What amount can be relied upon—and is the entire amount sufficient to answer any valuable purpose, or is it necessary to make additions to the funds, already designed to aid in a compliance with the requisitions of the constitution? Until these matters are clearly ascertained, every system of common school education must necessarily prove inefficient. This consideration points to the propriety of appointing some suitable agent or agents to examine into, and report the general condition of the school funds of the State, that future legislatures may be fully advised of the particular legislation, necessary, to accomplish the design of that admirable feature in our constitution, to which your attention has been invited.

The fines and forfeitures in criminal cases have been set apart as a fund, for the establishment of county Seminaries. How it is managed or applied, is, under the present laws, unknown to the legislature. It is respectfully suggested that some plan should be adopted, by which the amount and mode of managing this fund in the respective counties, may be annually reported to the General Assembly.

The interests of the State University, endowed by the munificence of the General Government, are entitled to your especial attention. To make that Institution prosperous, useful and permanent, will require a constant supervision of its affairs, and its fund should be protected with the most watchful vigilance. I am in possession of no facts, from which I can give any account of the progress of the Institution during the past year.

I have endeavored thus to lay before you the condition and wants of the State, as fully as the means within my power would enable me, with such suggestions as seemed important for your consideration.—There is, as you will perceive, little in the aspect of our affairs, upon which we can look with pleasure. It is difficult to foresee the result of the present state of things, and equally as difficult to determine, what particular remedy should be applied. The involvement of the citizens, while adding to the embarrassments of the affairs of the State, increases the amount of responsibility resting upon us. There never has been a time in the history of our State when a spirit of forbearance, firmness of purpose, and an entire abandonment of all selfish designs were more imperiously required of those, entrusted with the management of her concerns.

It will at all times afford me the most sincere pleasure, to unite with the Legislature, in the adoption of measures to promote the welfare, and retrieve the credit of the State. Coming to your duties immediately from the people, you will be well informed of their peculiar wants and necessities, and whatever you may adopt for the relief of the community, at the same time impartially securing the just rights of all, shall receive my most willing sanction. May all

your labors be signalized by harmony of action, and followed with the most beneficial results to our common constituents.

SAML. BIGGER.

EXECUTIVE CHAMBER, }
December 7, 1841. }

On motion of Mr. Collins,

One thousand copies of the message of His Excellency, the Governor, were ordered to be printed for the use of the Senate.

Mr. Nave, from the select committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate, directing them to report a bill repealing so much of the revenue law of the last session as provides for a State Board of equalization, as well as that portion which provides for a forfeiture of ten per cent. on tax payers who do not pay their tax before the 25th of December annually, have in obedience with the command of said resolution, directed me to report the following bill and recommend its passage.

Bill No. 1, to repeal a part of the revenue laws now in force in the State of Indiana, which was read the first time, when

Mr. West moved to dispense with the rules and read the bill a second time now;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Hoover of W., Nave, Nickel, Parks, Read, Reeve, Sinclear, Stevenson, Tannehill, Walpole and West—22.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Parker, Pitcher, Reeve, Roberts, Shanks, Sheets and Watts—23.

The bill was ordered to a second reading to-morrow.

Mr. Eggleston offered the following preamble and resolution for adoption.

Whereas, It is notorious, that in the prosecution of the system of Internal Improvements, adopted in the year 1836, in the State of Indiana, that some of the officers and agents employed by the State to borrow money for said purpose, have been guilty of gross negligence

in the discharge of their said trust, whereby great loss has been sustained by the State: And whereas, also, it has been currently surmised that some one or more of said agents and officers have been guilty of fraud in the sale of bonds to irresponsible purchasers and in the hypothecation of bonds for less than their market value: And whereas, also, it has been rumored that other agents of the State, employed to borrow money to form bank capital for the State Bank of Indiana, have been guilty of similar negligence or fraud: And whereas, also, the Board of Internal Improvement, commissioners appointed by law to superintend the expenditure of money on the lines of the public works have been guilty of gross mismanagement and of wasteful and unnecessary expenditure of the public money, and it has been rumored that much of this wasteful expenditure has been fraudulently made by one or more of said commissioners for private ends: And whereas, it has been rumored that sundry expenditures of the public money on said works were made without the authority of law, at places where there had been no surveys: And whereas, it has been rumored that the contractors on the public works have, in many instances, obtained larger allowances for their respective services than they were entitled to, by the fraudulent connivance and assistance of the officers superintending the said works, and it being desirable that every thing touching the said matters should be investigated at as early a day as practicable, to the end that the State may assert her legal rights in the premises and the offenders exposed before the public.

Resolved, Therefore, that the following named Fund Commissioners, to wit: Nicholas McCarty, Jeremiah Sullivan, Caleb B. Smith, James Farrington, Isaac Coe, Lucius H. Scott, Milton Stapp, Samuel Hanna, Nathan B. Palmer, George H. Dunn, and Noah Noble; Samuel Merrill Bank agent, and the following commissioners to wit: Jesse L. Williams, Samuel Lewis, David H. Maxwell, Thomas H. Blake, Elisha Long, John Woodburn, Alexander Morrison, J. G. Clendening, Daniel Yandes, James B. Johnson, David Burr and J. H. Graham, be cited to be and appear at the bar of the Senate, on the 3d Monday of December, 1841, at the Capitol in Indianapolis, to answer on oath touching the aforesaid matters, and that process be issued by the President of the Senate for that purpose forthwith, which was adopted.

Mr. Collins moved that the Senate now proceed to the election of Sergeant-at-Arms.

The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Collins, Dobson, Eggleston, Everts, Gregory, Hatfield, Hoover of T., Morgan, Parks, Pitcher, Roberts and Stevenson—16.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Burke, Carr of J., Carr of L., Chamberlain, Cornet, Davis, Elliott, Foster, Harris, Herriman, Herriott, Hoover of W., Kinzer, Miller, Moffatt, Mount, Nave, Nickel, Parker, Read, Reeve, Sands, Shanks, Sheets, Sinclear, Tannehill, Walpole, Watts and West—23.

So it was decided in the negative.

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 8, 1841.

The Senate Assembled.

The President announced to the Senate the following standing committees:

STANDING COMMITTEES.

ON ELECTIONS.

Messrs. Elliott, Berry, Blair, Aker, Herriott, Hoover of T., Kinzer and Mount.

ON FINANCE.

Messrs. Parker, Moffatt, West, Hoover of W., Morgan, Stevenson, Nickel, Everts and Watts.

ON THE JUDICIARY.

Messrs. Eggleston, Wright, Nave, Angle, Harris, Gregory, Elliott, Baird, Chamberlain, Walpole, Bright, Parker, Collins and Pitcher.

ON FEDERAL RELATIONS.

Messrs. Carnan, West, Sinclear, Cornet, Aker, Burke, Read and Sheets.

ON EDUCATION.

Messrs. Stevenson, Carr of J., Bright, Wright, Shanks, Sands, Roberts, Foster, Elliott, Sinclear and Cornet.

ON MILITARY AFFAIRS.

Messrs. Blair, Miller, Watts, Berry, Bradley, Hatfield, Parks, and Sands.

ON ROADS.

Messrs. Kinzer, Reeve, Tannehill, Everts, Carr of L., Davis, Herriman, Herriott and Mount.

ON CANALS AND INTERNAL IMPROVEMENT.

Messrs. Baird, Davis, Moffatt, Miller, Roberts, Bright, Tannehill, Reeve, Mount, Burke, Aker, Walpole, Herriott, Gregory and Harris.

ON THE TOWN OF INDIANAPOLIS.

Messrs. West, Walpole, Nickel, Hoover of W., Shanks, and Sands.

ON CLAIMS.

Messrs. Dobson, Sheets, Sinclear, Angle, Bradley, Carr of J., and Hoover of T.,

ON THE STATE PRISON.

Messrs. Read, Hatfield, Herriman, Sands, Kinzer, Carr of L., Cornet and Davis.

ON UNFINISHED BUSINESS.

Messrs. Morgan, Reeve and Roberts.

ON THE STATE LIBRARY.

Messrs. Nave, Dobson, Angle, Berry, Bradley, Burke, and Carr of J.

ON PUBLIC BUILDINGS.

Messrs. Moffatt, Carr of L., Dobson, Davis, Foster and Hatfield.

ON THE STATE BANK.

Messrs. Collins, Everts, Morgan, Cornet, Hoover of T., Pitcher, Carnan and Watts.

ON AGRICULTURE.

Messrs. Watts, Tannehill, Herriman, Hoover of W., Nickel and Parks.

ON CORPORATIONS.

Messrs. Chamberlain, Wright, Bright, Parks, Read, Gregory, and Harris.

ON ENROLLED BILLS.

Messrs. Harris and Pitcher.

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Miller, Sheets, and Sinclear.

ON THE CANAL FUND.

Messrs. Wright, Gregory, and Roberts.

ON THE STATE LIBRARY.

Messrs. Foster, Reeve, and Angle.

The President then announced to the Senate the following as the order of business to be observed during the present session.

The following is the order of business to be observed by the Senate during the present session, unless changed by the Senate.

- I. Reading of the Journal.
- II. Petitions, Memorials, and Remonstrances.
- III. Reports from Standing Committees as follows, to wit:
 1. On Elections.
 2. On Finance.
 3. On the Judiciary.
 4. On Federal relations.
 5. On Education.
 6. On Military Affairs.
 7. On Roads.
 8. On Canals and Internal Improvements.
 9. On the Town of Indianapolis.
 10. On claims.
 11. On the State Prison.
 12. On the State Library.
 13. On Public Buildings.

14. On the State Bank.
15. On the Canal Fund.
16. On Agriculture.
17. On Corporations.
18. On Unfinished Business.

IV. Reports from Select Committees.

V. Resolutions of the Senate.

VI. Joint Resolutions.

VII. Bills.

VIII. Orders of the day.

The committee on enrolled bills, and joint committees are not restricted by the preceding rules, but may report at any time.

Mr. Harris moved to reconsider the vote of yesterday on the motion to go into an election of Sergeant-at-arms.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bradley, Carr of Jackson, Chamberlain, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of T., Hoover of W., Kinzer, Morgan, Parks, Pitcher, Reeve, Roberts, Shanks, Sheets, Sinclear, Stevenson and Tannehill—26.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bright, Burke, Carr of Lawrence, Collins, Cornet, Davis, Elliott, Herriott, Miller, Moffatt, Mount, Nave, Nickel, Parker, Read, Sands, Walpole, Watts, West, and Wright—23.

So said motion prevailed.

The question then being on the adoption of the resolution,

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bradley, Carr of Jackson, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Morgan, Parks, Pitcher, Reeve, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill and West.—26.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bright, Burke, Carr of Lawrence, Chamberlain, Collins, Cornet, Davis, Elliott, Herriott, Miller, Moffatt, Mount, Nave, Nickel, Parker, Read, Sands, Walpole, Watts and Wright—23.

So it was adopted,

And the Senate proceeded to the election of Sergeant-at-arms; Messrs. Harris and Gregory acting as tellers.

When on counting the first ballot it appeared that

Thomas Tyner received	19 votes.
A. Sebastian	8 "
J. D. Strickland	10 "
C. Vickers	3 "
John Cook	1 "
Ralph Wilson	4 "
Lemuel Ford	1 "
A. H. Read	2 "
Ramsey	1 "

Neither of the candidates having received a majority of all the votes given the Senate proceeded to a second balloting, when

Thomas Tyner received	22 votes.
A. Sebastian	7 "
J. D. Strickland	11 "
John Cook	6 "
Ralph Wilson	1 "
A. H. Read	2 "

No person having received a majority of all the votes cast, the Senate proceeded to a third balloting, when

Thomas Tyner received	22 votes.
A. Sebastian	10 "
J. D. Strickland	9 "
John Cook	8 "

No one having received a majority, the Senate proceeded to a fourth balloting, when

Thomas Tyner received	24 "
A. Sebastian	6 "
J. D. Strickland	12 "
John Cook	6 "
Blank	1 "

Neither of the candidates having received a majority, the Senate again proceeded to ballot a fifth time, when

Thomas Tyner received	23 votes.
A. Sebastian	4 "
J. D. Strickland	14 "
John Cook	8 "

Neither having received a majority of the whole, the Senate proceeded to a sixth balloting, when it appeared that

Thomas Tyner received	22 votes.
A. Sebastian	1 "
J. D. Strickland	20 "
John Cook	7 "
Scattering	1 "

No candidate having received a majority of all the votes given, the Senate proceeded to a seventh balloting which resulted as follows:

Thomas Tyner received	18 votes.
J. D. Strickland	29 "

John Cook, received 1 vote
Blank " 1 "

Mr. Strickland having received a majority of all the votes given, was declared duly elected Sergeant-at-arms of the Senate for the present session, and sworn into office by Hon. Judge Bryant, of the seventh Judicial Circuit.

The following message was laid before the Senate by the President, from His Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Dec. 8, 1841.

Gentlemen of the Senate.

Isaac H. Keister is authorised to bear communications from the executive department to either branch of the General Assembly.

SAML. BIGGER.

On motion of Mr. Stevenson,

One hundred copies of the standing committees of the Senate and of the order of business, were ordered to be printed for the use of the Senate.

On motion of Mr. Watts,

The petition of Jesse Cole and others, presented on yesterday was taken up, and

On motion of Mr. Cornet,

Referred to a select committee.

Ordered, That Messrs. Cornet, Watts and Morgan comprise said committee.

Mr. Baird presented the petition of Jesse Frame and many others, praying the passage of a law restricting justices of the peace, in civil causes, to their several townships, which was read and on motion of Mr. Baird, referred to a select committee.

Ordered, That Messrs. Baird, Angle and Pitcher comprise said committee.

Mr. Morgan presented the petition of James B. Foley and sundry others, praying a change in the corporation of the town of Greensburgh, which was read, and on motion of Mr. Morgan referred to the committee on corporations.

Mr. Everts presented the petition of sundry citizens of the counties of Starke and Laporte, praying a change of said counties, which was read and on motion of Mr. Everts, referred to a select committee.

Ordered, That said committee consist of Messrs. Everts, Davis, Roberts, Sheets and Baird.

Mr. Collins presented a memorial from the board of directors of the branch bank of the State bank at New Albany, in regard to the suspended debt which was read, and on motion of Mr. Collins, referred to the committee on the State Bank.

Mr. Carr of Jackson, offered for adoption the following resolution:
Resolved, That the Senate will (the House of Representatives agreeing thereto) proceed, at 2 o'clock P. M. on to-morrow, to elect a President Judge, for the seventh judicial circuit, also Prosecuting Attorneys, to fill the several vacancies which have occurred since the last session of the General Assembly,

Which was adopted.

Mr. Nave offered for adoption the following resolution:

Resolved, That the Door-keeper of the Senate be authorised and instructed to employ our late assistant Door-keeper, John Cook, to serve during the session at a per diem allowance not exceeding one dollar. And that the said Door-keeper be further authorized to employ some able bodied man to prepare and furnish fuel and make fires for the use and comfort of the Senate, and such other work as may be necessary for him to do during the session, at a per diem allowance not exceeding one dollar.

Mr. Walpole moved to strike out and insert the following:

Resolved, That the Door-keeper be authorised to employ such assistants as may be necessary for him in the discharge of the duties of his office.

Mr. Elliott called for a division of the question.

The ayes and noes being demanded,

Those who voted in the affirmative were.

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Herriman, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—23.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Hatfield, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Sheets, Stevenson, Watts and Wright—24.

So the motion to strike out failed.

Mr. West moved to lay the resolution and pending amendments on the table.

The question being on Mr. West's motion,

The ayes and noes were demanded,

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of Wayne, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—22

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornet, Davis, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Kinzer, Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Sheets, Stevenson, Watts and Wright—26.

So the motion to lay on the table failed.

Mr. Harris moved, as a substitute for the original resolution, the adoption of the following:

Resolved, That the Door-keeper be directed to employ John Cook, jr. and John Moore as his assistants during the present session, at a compensation not to exceed one dollar each, per day.

Mr. Chamberlain moved to amend by inserting "and such other assistant as may be necessary,"

Which was not agreed to.

The question then being on the adoption of the resolution, which prevailed, and the resolution accordingly adopted.

Mr. Chamberlain introduced joint resolution No. 2, entitled a joint resolution on the subject of a resumption of specie payments,

Which was read a first time and ordered to a second reading to-morrow.

Mr. West introduced

Bill No. 3, entitled a bill to amend "an act entitled an act, subjecting real and personal estate to execution," approved Feb. 4, 1841,

Which was read a first time and ordered to a second reading to-morrow.

Mr. Baird introduced

Bill No. 4, entitled a bill to abolish imprisonment for debt.

Mr. Harris moved a suspension of the rules, and that the bill be read a second time now.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Bradley, Bright, Chamberlain, Davis, Foster, Harris, Hatfield, Herriman, Moffatt, Nickel, Read, Sinclear, Walpole and West—15.

Those who voted in the negative were,

Messrs. Angle, Baird, Berry, Blair, Burke, Carr of Jackson, Carr of Lawrence, Collins, Cornet, Dobson, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nave, Parker, Parks, Pitcher, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright—34.

So the motion did not prevail.

The bill was ordered to a second reading to-morrow.

On motion of Mr. Herriman,

The resolution offered this morning by Mr. Carr of Jackson, and adopted, on the subject of going into an election, of President Judge and Prosecuting Attorneys, was re-considered.

Mr. Herriman moved to amend by accepting the eighth circuit within said resolution,

Which was agreed to.

Mr. Stevenson moved as an amendment, "to strike out to-morrow and insert Friday,"

Which was not agreed to.

Mr. Wright moved to "strike out to-morrow and insert, this afternoon," as the time for going into an election of said officers,

Which motion prevailed.

The question then being on the adoption of the resolution as amended, it was decided in the affirmative.

So the resolution, as amended, was adopted.

Mr. Sands introduced

Bill No. 5, entitled a bill to amend an act entitled "an act subjecting real and personal estate to execution,"

Which was read a first time and ordered to a second reading to-morrow.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Bill No. 1, to repeal a part of the revenue laws now in force in the State of Indiana, was read a second time.

Mr. Nave moved to amend the bill by striking it out from the enacting clause and inserting in lieu thereof the following, viz.

SEC. 1. That the eighteenth section of an act entitled "an act prescribing the duties of county treasurer" (approved Feb. 12, 1841) be and the same is hereby repealed.

SEC. 2. *And be it further enacted,* That this act shall take effect and be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

Mr. Walpole moved to amend the proposed amendment as follows:

SEC. 2. That County Assessors and deputy assessors, shall be allowed one dollar for each day, that the board doing county business shall be satisfied they shall have been respectively employed in the discharge of the duties required of them by law; and that so much of the tenth section of an act entitled an act for the election of county assessors, approved Feb. 12, 1841, as comes within the purview of this section, is hereby repealed.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Blair, Bright, Carr of Jackson, Carr of Lawrence, Collins, Cornet, Davis, Dobson, Eggleston, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Nave, Parks, Pitcher, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, Watts, West, and Wright—35.

Those who voted in the negative were,

Messrs. Baird, Bradley, Burke, Chamberlain, Elliott, Everts, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nickel, and Parker—13.

So said amendment to the amendment was agreed to.

A division of the question being called for, and the question being on striking out, Mr. Wright moved to lay the bill and amendment on the table.

The ayes and noes being demanded.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nickel, Parker, Pitcher, Reeve, Sheets, and Wright—23.

Those who voted in the negative were,

Messrs. Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nave, Parks, Read, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, Watts, and West—26.

So said motion did not prevail.

The question was then taken on striking out.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts, and Wright—27.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer,

Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole, and West—22.

So the motion to strike out prevailed.

Mr. Elliott proposed to amend the substitute proposed to be inserted, by striking out so much as relates to the per diem compensation of assessors and deputy assessors, and insert in lieu thereof the following, viz:

"Such per diem allowance as may be deemed reasonable by the board doing county business,"

Which motion prevailed.

The question being taken on the insertion of the substitute proposed by Mr. Nave as amended, it was decided in the affirmative.

Mr. West offered the following amendment to the bill, which was not adopted, viz.

"And that the time of payment of said taxes, be extended to the first day of February next."

Mr. Eggleston moved to commit the bill to the committee on finance.

Mr. Read moved the following instructions to said committee.

That the fifteenth section of an act entitled, an act to value the property of the State, approved Feb. 12, 1841, and which provides for a State board of equalization, be and the same is hereby suspended until the 4th Monday of January 1843.

Mr. Morgan called for a decision of the question, and the question was taken on committing, and decided in the affirmative.

The question then being on the adoption of Mr. Read's instructions, and

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole, and West—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright—27.

So the instructions were not agreed to.

Mr. Carr of Lawrence, moved the following instructions:

"To repeal the twentieth section of the act prescribing the duties of county treasurer, approved Feb. 12, 1841."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, and West—25.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sheets, Watts, and Wright—24.

So said instructions were adopted.

Mr. Chamberlain moved the following:

"With instructions so to amend, as that that portion of the bill to which this is an amendment, which provides for the formation of a State board of equalization, be suspended till the 15th of January 1842, and that in the meantime the Senate constitute a State board of equalization."

Mr. Elliott moved to lay said instructions on the table, and

The ayes and noes being demanded.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts, and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole, and West—23.

So said proposed instructions were laid on the table.

Mr. West moved the following:

"With instructions to amend by striking out so much of section 19 as gives power to destrain for taxes after the 25th of December next, and to insert the first day of March next."

Mr. Elliott called for a division of the question, with a view to test the sense of the Senate as to the propriety of further instructions to the committee, and

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole, and West—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts, and Wright—26.

So the Senate determined against the adoption of further instructions.

The President laid before the Senate a communication from His Excellency, the Governor, enclosing sundry resolutions from the Legislature of Maine, Rhode Island, Connecticut and Massachusetts;

Which, on motion of Mr. Collins, were referred to the committee on federal relations.

The following message was received from the House of Representatives, by Mr. Brown, their principal clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolution:

Resolved, That the House of Representatives will on Friday, the 10th inst., at 10 o'clock, A. M., the Senate concurring therein, proceed to the election of Circuit Judges and Prosecuting Attorneys to fill vacancies that have occurred by resignation or otherwise: except in the eighth judicial circuit.

And also, that the House refuse to reciprocate the resolution of the Senate, relative to the election of certain judicial officers at 2 o'clock P. M., of this day.

On motion the Senate adjourned.

THURSDAY MORNING, DEC. 9, 1841.

The Senate Assembled.

The Message from the House in relation to going into an election of Judges and Prosecuting attorneys, having been read,

On motion of Mr. Berry,

The Senate agreed to reciprocate the same.

Mr. Stevenson moved that the message of His Excellency the Governor be committed to a committee of the whole Senate, and made the order of business for to-day at 2 o'clock.

Mr. Burke moved to postpone the same until Monday next,

Which motion prevailed.

Mr. Shanks presented a petition from sundry citizens of Washington county, praying the repeal of the revenue law passed at the last session, which,

On motion of Mr. Shanks,

Was referred to the committee on Finance.

Mr. Shanks presented a memorial from the citizens of Washington county, in relation to oppressive taxation, which,

On motion of Mr. Shanks,

Was referred to the committee on the Judiciary.

Mr. Berry presented the petition of sundry citizens of Monroe county, praying the extension of the payments shortly due, on certain lands sold, for the benefit of the State College, which,

On motion of Mr. Berry,

Was referred to a select committee.

Ordered that said committee consist of, Messrs. Berry, Pitcher and Miller.

Mr. Cornet from the select committee, appointed for that purpose, made the following report:

The select committee to whom was referred the petition of Jesse Cole, and other citizens of the county of Ripley, praying a reduction of the taxes, together with the fees, and salaries of officers of the State generally, have had the same under consideration, and beg leave to make the following report:

As to so much of the petition as prays a reduction of the taxes, the committee, although, heartily in favor of the measure, are of opinion that they are precluded by the constitution, from originating a bill in this department of the legislature, in relation to that matter, it being expressly provided by the constitution, that, all bills in relation to revenue, must originate in the other branch of the legislature.— And as to so much of the petition as relates to the reduction of fees, and salaries of officers, beg leave to introduce the following bill, No. 6, entitled a bill, to reduce the fees and salaries of all officers in the State of Indiana, and, also, the wages and allowance for mileage of members of the legislature, which was read a first time, when,

Mr. Herriman moved a suspension of the rules, that the bill be read

a second time now, which motion failed, and said bill was ordered to a second reading to morrow.

Mr. Sands offered for adoption, the following resolutions:

Resolved, That the committee on the State Bank, be directed to enquire into the affairs, and condition of the State Bank, in the following particulars, to-wit:

- 1st. The amount of notes on each branch, in circulation.
- 2d. The actual amount of specie on hand in each branch.
- 3d. The indebtedness of each branch other than for notes in circulation.
- 4th. The assets of each branch, other than specie on hand.
- 5th. The dividends declared at each branch, since the suspension of specie payments.
- 6th. Whether any violations of any one, of the rules prescribed for their management, has taken place in any one of the branches, and if any, in which branch or branches, has it transpired.
- 7th. What amount of specie, and under what circumstances has it been parted with since the suspension of specie payments.
- 8th. Whether any of the directors or other officers of the State bank, or any branch has recieved any accommodation, either in specie or in bank notes, for the purpose of brokerage.
- 9th. Whether any director of the State bank, or any of the branches holds any office under the State or General Government, and if any, what?
10. Said committee are hereby authorized to send for persons and papers, in relation to any of these matters, and diligently to enquire into any and all frauds, and mismanagements if any, and all the branches of the State bank and into the condition of any one, and all of its officers.

And that said committee make report of the facts they may so ascertain, to the Senate. And in making said examination, the chairman of said committee to issue all necessary process to cause witnesses to come before the committee, and to administer all necessary oaths.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herri-man, Herriot, Hoover of T., Hoover of W., Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, West, Watts and Wright—48.

Mr. Reeve voted in the negative.

So the resolutions were adopted.

Mr. Watts gave notice that on to morrow he would move to amend the standing rules as follows:

That it shall be the duty of the Secretary of the Senate to note on the journal the names of two of the members, calling the ayes and noes.

On motion of Mr. Gregory,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending, "an act regulating the practice in chancery," "Approved February 10, 1831," that the complainant or complainants, in any bill in chancery, except for discovery, may at his or their option waive the oath of the defendant or defendants to the answer; and that when the oath is thus waived, the answer shall have no more force than the bill, as evidence.

Mr. Nave offered for adoption the following resolution:

Resolved, That the standing committee on the judiciary, be instructed to enquire into the expediency of amending the several laws now in force in this State, subjecting real and personal property to execution, so that hereafter whenever either real or personal property, shall be offered for sale on executions hereafter to issue, by any of the officers of this State, the same shall not be sold for less than one half of its approved cash value, and if the same shall at any time, when so offered, not bring at least one half of its cash value, then and in that event, there shall not be an alias or pluries writ of execution, issued by any of the officers of this State, (who may have the control of any such judgment,) for six months from and after the date of the issuing such writ of execution, unless the plaintiff or plaintiffs, his, her, or their agent or attorney, will pay all costs occasioned by the issuing of such alias or pluries writ of execution. And on all judgments or decrees, hereafter to be rendered by any of the superior or inferior courts of this State, to make it the duty of the plaintiff or plaintiffs, his, her, or their agent or attorney, to endorse under such judgment or decree, that there will be received in satisfaction and discharge of the same, current bank notes, and on failure so to do, that the defendant or defendants, to such judgment or decree, shall have a stay of execution thereon, for twelve months from and after the date of the rendition thereof, and on his, her, or their failure to replevy the same, that his, her, or their property, shall be sold at not less than the one half of its approved cash value, on a credit of twelve months from the date of such judgment or decree; the purchaser or purchasers, entering into bond for the payment of the purchase money, which shall have the force and effect of a judgment at law; and execution to issue thereon at the expiration of the time aforesaid; and make all lands for which any judgment debtor may have a title bond for the conveyance thereof, and for which he, she or they may have fully paid the purchase money, subject to levy and sale, in the same manner that real estate is now sold upon execution; and that each householder shall hold exempt from execution, two hundred dollars worth of personal property, to be by him selected, at the time of the levy, by the officer having the execution; and report by bill or otherwise.

Mr. Baird moved to amend by inserting after the words personal property, "together with a house, lot and farm as the case may be,"

Which was adopted.

Mr. Herriman moved to strike out the words, one half and "insert two thirds,"

Which motion prevailed.

On motion of Mr. West,

The word "cash," was stricken out and that of "fair market value" inserted.

The question then being on the adoption of the resolution as amended.

Which was adopted.

Mr. Herriman offered the following preamble and resolution:

Whereas, A majority of the Senate have, by a strict party vote, decided against repealing the act, creating a State board of equalization; and whereas, one or more members of said board appointed at the last session of the legislature are in the penitentiary at Jeffersonville; Therefore

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill, for the relief of so many of said board as are so unfortunate as to get into the penitentiary; by passing a special act providing for their being brought out of the penitentiary and conducted to the Capitol under the keeping of a proper officer, to remain at the Capitol until they shall have discharged their duties as members of said board.

Mr. Collins moved to amend the preamble by striking out the word party vote.

Mr. Harris moved to amend the amendment by inserting "with the exception of one vote on each side."

On motion of Mr. Everts,

The resolution and pending amendments were laid on the table.

On motion of Mr. Wright,

Resolved, That the committee on finance enquire into the expediency of making canal certificates and treasury notes receivable for interest and principal for canal lands, and that they report by bill or otherwise.

On motion of Mr. Harris,

Resolved, That the committee on the judiciary be instructed to report a bill, providing a suitable penalty for any violation of the act, approved Feb. 13, 1841, entitled "an act to amend an act entitled an act relative to crime and punishment," approved Feb. 10, 1831.

Mr. Chamberlain introduced joint resolution No. 7, entitled a joint resolution, on the subject of a resumption of specie payments by the State of Ohio, Kentucky and Illinois.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Miller introduced joint resolution No. 8, entitled a joint resolution, on the subject of the location of an armory in the West,

Which was read a first time and

On motion of Mr. Moffatt,

The rules were suspended and the bill passed to a second reading.

Mr. Stevenson moved to amend by striking out the words "free States."

Mr. Eggleston moved to refer said joint resolution to the committee on federal relations.

Which motion was afterwards withdrawn.

Mr. Collins renewed the motion of Mr. Eggleston to refer to the committee on federal relations,

Which was adopted and so referred.

Mr. West introduced joint resolution No. 9, entitled a joint resolution, on the subject of a repeal of the existing duty on salt,

Which was read a first time and ordered to a second reading to-morrow.

Mr. Watts introduced bill No. 10, entitled a bill, to modify in some respects, the revenue system of Indiana, which was read a first time.

On motion of Mr. Eggleston,

The rules were suspended and the bill read a second time, when Mr. Chamberlain moved to amend said bill so that the Senate constitute said board.

Mr. Herriman moved for a division of the question.

On motion of Mr. Watts,

The following amendment was adopted. "That in no case shall two of said board be appointed from the same county."

The question then being on striking out,

The ayes and noes were demanded, when

Those who voted in the affirmative were,

Messrs. Bright, Carr of L., Chamberlain, Davis, Dobson, Foster, Herriman, Miller, Nickel, Parks, Read, Roberts, Sinclear, and West—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Burke, Carr of J., Collins, Cornet, Eggleston, Everts, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Shanks, Sheets, Stevenson, Tannehill, Walpole, Watts and Wright—33.

So the motion to strike out did not prevail.

Mr. Wright moved to refer the bill to the committee on finance, with the following instructions:

To enquire whether the present State board of equalization may not be done away with and a board be constituted on different and more expedient principles.

Mr. Watts called for a division of the question.

The question then being on referring the bill, it was so decided, and the bill accordingly referred.

The question then being on the adoption of the instructions, which was decided in the affirmative.

So the bill and instructions were adopted.

Mr. Davis introduced bill No. 11, entitled, a bill for the extension of the time of sale of real and personal property.

Which was read a first time and ordered to a second reading to-morrow.

Mr. Sands introduced bill No. 12, entitled a bill to amend an act, entitled an act, to regulate the taking up of animals going estray, and water-craft, and other articles of value adrift.

Which was read a first time and ordered to a second reading to-morrow.

Mr. Harris introduced bill No. 13, entitled a bill to repeal a part of a certain act therein named.

Which was read a first time and ordered to a second reading to-morrow.

ORDERS OF THE DAY.

Joint resolution No. 2, of the Senate, on the subject of a resumption of specie payments, was read a second time, and

On motion of Mr. Morgan, referred to the committee on the State bank.

Bill No. 3, of the Senate, to amend an act entitled an act, subjecting real and personal estate to execution, approved Feb. 4, 1841, was read the second time and on motion of Mr. Read, was referred to the committee on the judiciary.

Bill No. 4, of the Senate, to abolish imprisonment for debt, was read a second time, and

On motion of Mr. Chamberlain, referred to the committee on the judiciary.

Bill No. 5, of the Senate, to amend an act entitled an act subjecting real and personal estate to execution, was read a second time and

On motion of Mr. Chamberlain, referred to the committee on the judiciary.

On motion the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

On motion of Mr. Watts,

Mr. Cornet was added to the judiciary committee.

The President announced the appointment of Messrs. Berry and Gregory as tellers on the part of the Senate, to conduct the election for Judges and Prosecuting Attorneys.

Mr. Harris offered the petition of Valentine Brown and others,

praying the passage of an act authorizing certain minors to convey real estate, which,

On motion of Mr. Harris,

Was referred to the judiciary committee.

The President laid before the Senate the following communication from Milton Stapp, Esq.,

Which was read and laid on the table.

INDIANAPOLIS, Dec. 9th, 1841.

The President of the Senate,

SIR:—My report to the General Assembly as late fund commissioner, has been in readiness for some days, but its presentation has been delayed until I could procure a copy of the report of the present commissioner, of which rumour told much. That document has been reported this day, and I have been able to read it hastily. Its charges require of me such additional statements and explanations to my own report as will justify my character to my county, to my friends, and to my family, and this will require some further delay.

In the fullest confidence that I shall be able to sustain my integrity in defiance of the imputations cast upon it, I beg leave to ask the Senate over whom you preside, that they will delay all action on the report of Mr. Noble, and the formation of all opinions on his statements and charges, for a few days, until I shall have time to answer them.

Very respectfully,

MILTON STAPP.

The President laid before the Senate, reports from the following branches of the State bank, viz:

Vincennes, Lafayette, South Bend, Bedford, Evansville, Indianapolis, New Albany and Madison, which,

On motion of Mr. Collins,

Were referred to the committee on the State Bank.

The following message was received from the House by their principal clerk, Mr. Brown:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed engrossed bills thereof, entitled;

No. 1, an act to repeal certain laws therein named.

No. 3, an act to re-organize the eighth, and to create the twelfth judicial circuit,

In which I am directed to ask the concurrence of the Senate.

Bill No. 1, of the House, to repeal certain laws therein named, was read a first time, when,

Mr. Nave moved to suspend the rules and read a second time, now,
Which motion did not prevail;

Ordered to a second reading on to-morrow.

Bill No. 3, of the House, to re-organize the eighth and create the twelfth judicial circuit, was read a first time, when

Mr. Wright moved to suspend the rules and read a second time now,

Which motion failed,

Ordered to a second reading onto-morrow.

On motion of Mr. Eggleston,

Resolved, That the investigation directed by resolution of the Senate, to be made into the conduct of our late fund commissioners, bank agent, and board of Internal Improvements, be made by a joint committee of the Senate and House of Representatives, consisting of five members each: and that said committee be authorised to meet on its own adjournments; and to send for all persons and papers connected with the subject of their enquiries, and that they be authorised to meet as soon as convenient and report the result of their doings as soon as the investigation directed by said resolution shall have been completed; that said committee sit with open doors, and that said resolution be referred to the said committee as the basis of their investigation; the chairman be authorised to issue all necessary process for witnesses before said committee, and to administer all necessary oaths; and that the House be informed of the adoption of this resolution, and their concurrence respectfully requested.

Mr. Herriman moved to take from the table the resolution of Mr. Nave, offered some days since, directing newspapers for the use of the Senate,

Which motion did not prevail.

Mr. Walpole offered the following for adoption:

Resolved, That the Senate will proceed by viva voice vote to select the committee on the part of the Senate to carry into effect the resolution of Mr. Eggleston to investigate the official acts of our fund commissioners, bank agent and Internal Improvement commissioners.

On motion of Mr. Watts,

The name of Mr. Eggleston was struck out, and that of the gentleman from Switzerland inserted.

The question being on the adoption of the resolution,

The ayes and noes were demanded, and

Those who voted in the affirmative were,

Messrs. Aker, Berry, Bradley, Bright, Carr of J., Carr of L., Chamberlain, Dobson, Foster, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Nickel, Parks, Read, Roberts, Sands, Shanks, Sinclear, Tannehill, Walpole and West—25.

Those who voted in the negative were,

Messrs. Angle, Baird, Blair, Burke, Collins, Cornet, Davis, Eggleston, Elliott, Everts, Gregory, Hoover of T., Hoover of W., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sheets, Stevenson, Watts and Wright—24.

So the resolution was adopted.

Mr. Read moved that the Senate now proceed to vote for the committee,

Which was adopted.

Mr. Nave moved to amend by voting for but one member of the committee at a time,

Which motion was adopted;

When in compliance with said resolution the Senate proceeded to vote as directed,

Which resulted in the election of the following named gentlemen, to comprise said committee:

Messrs. Eggleston, Chamberlain, Parker, West and Baird.

On motion the Senate adjourned.

FRIDAY MORNING, DEC. 10, 1841.

The Senate assembled.

Hon. Robert N. Carnan, Senator from the county of Knox, appeared and took his seat.

The President laid before the Senate the report of the branch bank at Terre Haute, which

On motion of Mr. Collins,

Was referred to the committee on the State bank.

Mr. Sinclear presented the petition of J. W. Wright and others, praying an extra session of the Allen circuit court, which

On motion of Mr. Sinclear,

Was laid on the table.

Mr. Herriman moved to suspend the rules and take up bill No. 3, of the House, to re-organize the eighth, and to create the twelfth judicial circuit, which was accordingly taken up, read a second time, and,

On motion of Mr. Herriman,

Referred to the committee on the judiciary.

On motion of Mr. Sheets,

The committee were instructed to enquire into the expediency of so amending as to strike out the county of White from the eighth judicial circuit.

Mr. Walpole moved that the committee be so instructed as to enquire into the expediency of equalizing said circuit, when

Mr. Harris moved for a division of the question.

The question then being on instructing said committee, it was decided in the negative.

So said motion to instruct was not adopted.

Mr. Bright presented the petition of John Edwards, praying a remuneration of damages created by the construction of the White Water canal, which

On motion of Mr. Bright,

Was referred to the committee on Internal Improvements.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill No. 1, of the Senate, entitled "a bill to repeal a part of the revenue laws now in force in the State of Indiana," together with certain instructions, have had the same under consideration and have directed me to report, instead of said bill and in accordance with said instructions, the following bill:

Bill No. 1, to repeal certain revenue laws now in force in the State of Indiana.

On motion of Mr. Elliott,

Said bill was so amended, as to strike out after the enacting clause so much as relates to the twentieth section of the same.

Mr. Walpole offered for adoption the following amendment to said bill:

That the treasurer shall be allowed one half the fee for making distress and sale of goods and chattels, for the payment of taxes as is allowed by law to constables, for making levy and sale of property on execution.

Travelling fees to be computed from the seat of justice of the county to the place of making distress.

So much of the twentieth section of an act entitled an act prescribing the duties of county treasurer, approved Feb. 12th 1841, as comes within the purview of this section is hereby repealed.

Which was adopted.

The following message was received from the House of Representatives by their clerk, Mr. Brown:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *forthwith*, for the purpose of electing Judges and Prosecutors. And that seats be provided for them on the right of the Speaker's Chair.

The Senate then immediately repaired to the Hall of the House of Representatives for the purpose of proceeding to the election of said officers.

The convention then proceeded to the election of a President Judge of the seventh judicial circuit, to fill the vacancy occasioned by the

resignation of E. M. Huntington, Esq., and on counting the votes on the first ballot it appeared that

William P. Bryant had received 103 votes.

Delany R. Eckles " 42 "

Blank " 3 "

William P. Bryant, having received a majority of all the votes given, was, by the President of the Senate, declared duly elected.

The convention in like manner proceeded to the election of a Prosecuting Attorney in the first judicial circuit; and on counting the first ballot, it appeared that

Samuel C. Wilson received 124 votes.

Scattering " 22 "

Samuel C. Wilson having received a majority of all the votes given, was, by the President, declared duly elected Prosecuting Attorney for the first judicial circuit, for and during the term of two years from and after this day.

Both Houses then, in like manner proceeded to the election of a Prosecuting Attorney in the third judicial circuit, when on counting the first ballot it appeared that

George Robinson had received 61 votes.

John Dumont " 60 "

Isaiah W. Robinson " 8 "

Scattering, " 18 "

No candidate having received a majority of all the votes given, the convention proceeded to a second ballot, which resulted as follows:

George Robinson received 83 votes.

John Dumont " 60 "

Isaiah W. Robinson " 4 "

Scattering " 1 "

George Robinson having received a majority of all the votes given, was declared duly elected Prosecuting Attorney in the third judicial circuit, to serve as such for and during the term of two years.

The convention then, in like manner, proceeded to the election of a Prosecuting Attorney in the fourth judicial circuit, when on counting the first ballot, it appeared that

James Lockhart had received 81 votes.

John Ingle " 66 "

Blank " 1 "

James Lockhart having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the term of two years.

The convention next proceeded to the election of a Prosecuting Attorney for the eleventh judicial circuit, and on counting the first ballot it appeared that

J. M. Wallace had received 60 votes.

A. J. Harlan " 34 "

B. McClelland " 31 "

Walter March " 22 "

No one having received a majority of all the votes given, the con-

vention proceeded to a second ballot, which resulted as follows:

J. M. Wallace received 72 votes.
A. J. Harlan " 46 "
B. McClelland " 23 "

John M. Wallace having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the eleventh judicial circuit, to serve as such for the term of two years.

The convention having completed the business for which it convened, the Senate returned to its chamber.

On motion of Mr. Gregory,

Resolved, That when the Senate adjourns, it adjourn to meet at 3 o'clock P. M.

On motion the Senate adjourned,

3 o'clock, P. M.

The Senate assembled,

And again took up bill No. 1, of the Senate, to repeal certain revenue laws now in force in the State, which was under consideration when the Senate repaired to the Hall of the House, the pending question being on the amendment of Mr. Walpole to the amendment.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Blair, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, Watts and West—41.

Those who voted in the negative were,

Messrs. Baird, Bradley, Burke, Elliott, Hoover of W., Mount, Parker and Wright—8.

So said amendment was adopted.

On motion of Mr. Walpole,

The following amendment to the amendment was adopted, viz: That the sixteenth section of the act last aforesaid is hereby repealed.

The question then being on the adoption of the committee's amendment as amended, it was decided in the affirmative.

On motion of Mr. Nave,

Said bill was referred to a select committee.

Ordered, That Messrs. Nave, Collins, Walpole, West and Everts compose said committee,

Mr. Eggleston, from the committee on the judiciary to which was referred

Bill No. 3, to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831, made the following report:

The committee on the judiciary to whom were referred the bill of the Senate No. 3, entitled a bill to amend an act, subjecting real and personal estate to execution, approved Feb. 4, 1831, have directed me to report that they have had said bill under consideration, but find it indispensable to a proper investigation of said bill that the same should be printed, and they have directed me to report the following resolution to the Senate and recommend its adoption, viz:

Resolved, that 100 copies of bill No. 3, of the Senate, be printed for the use of the Senate, which report was concurred in, and the bill ordered to be printed.

Mr. Carnan from the committee on federal relations, to whom was referred joint resolution No. 8, of the Senate, on the subject of the location of an armory in the West.

Made the following report:

Mr. President—

The committee on federal relations, to which was referred joint resolution No. 8, on the subject of the location of an armory in the West, have had the same under consideration, and instruct me to report it back with one amendment, and request its passage.

Strike out the words, "Situated between two free States, Indiana and Illinois, at the Rapids of the Great Wabash, the armory of the United States would be equally secure from external enemies, and from all danger arising from a servile insurrection."

Which report was concurred in.

Mr. Miller moved that the rules be suspended, and the bill pass to a third reading now,

Which motion prevailed:

The bill having been read a third time,

The question then being on the final passage of the bill, it was decided in the affirmative;

So the bill was passed.

Mr. Everts from the select committee for that purpose, made the following report:

The select committee to whom was referred the petition of sundry citizens of Stark and Laporte counties, praying for the permanent attachment of all the Territory North of the Kankakee river, now constituting a part of Stark county, to the county of Laporte have had that subject under consideration, and have directed me to make the following report:

That, whereas the petitioners in said petition, have failed to comply with the requisitions of an act, entitled an act, defining the duties of petitioners for relocating seats of justice, and for other purposes; Approved Feb. 4th 1841, your committee feel themselves unauthorized to legislate on that subject, at present, the report was concurred in and further legislation deferred for the present.

Mr. Herriman, offered for adoption the following resolution.

Resolved, That the door-keeper of the Senate be authorized to contract with the editors of the Indiana Journal, and State Sentinel, for three separate copies of each of said papers to be by said editors enveloped and safely delivered in the Senate chamber, to the president, and each member of the Senate during the present session of the General Assembly, and the price not to exceed the price paid by subscribers, who pay in advance.

Mr. Harris moved the indefinite postponement of the resolution on which,

The Ayes and Noes were ordered, when,

Those who voted in the affirmative were,

Messrs. Aker, Blair, Burke, Carr of L., Collins, Cornet, Eggleston, Elliott, Gregory, Harris, Herriott, Hoover of T., Hoover of W., Miller, Moffatt, Morgan, Mount, Parker, Pitcher, Roberts, Shanks, Sheets, Stevenson, Tannehill, Walpole, Watts and Wright—27.

Those who voted in the negative were,

Messrs. Angle, Baird, Berry, Bradley, Bright, Carnan, Chamberlain, Davis, Dobson, Everts, Foster, Hatfield, Herriman, Kinzer, Nave, Nickel, Parks, Read, Reeve and Sinclear—20.

So the resolution was indefinitely postponed.

On motion of Mr. Baird,

The following preamble and resolution were adopted:

Whereas, by the general law of this State, the rate of interest for the loan of money is fixed at 6 per centum per annum, except in such cases when a higher rate not exceeding 10 per centum, is agreed upon in writing, and signed by the parties.

And, whereas, the general policy of the General Assembly of Indiana, has been to discountenance and punish the practices of the usurer, who asked and received for the loan of money, a higher rate of interest than 6 per centum per annum. And, whereas, by the Legislature of last winter the rate of interest upon a certain portion of the surplus revenue was reduced from 9 to 6 per centum per annum; and, whereas, the same course of policy would require that a similar reduction in the rate of interest upon the remaining portion of the surplus revenue, as also upon the moneys belonging to the sinking fund. And, whereas, it is wrong and unjust, that the State should ask, demand and receive a higher rate of interest by law, from her citizens than they are allowed to ask, demand and receive from each other, Therefore,

Resolved, That the committee upon the State bank be instructed to enquire into the expediency of reporting a bill so reducing the rate of interest upon the loans of said moneys, of said remaining portion of said surplus revenue fund, and upon the loans of the mon-

neys of said sinking fund, to a rate of interest not exceeding 6 per centum per annum, and providing in the details of the bill for the taking of ample security upon the renewal of loans and the re-taking of bonds or obligations.

On motion of Mr. Collins,

Resolved, That the committee of the Senate elected under a resolution of the Senate to act with a similar committee of the House of Representatives, to call before them, and examine certain fund commissioners, commissioners of the board of Internal Improvements, and others, be instructed to proceed with the examination directed by the Senate, and that said resolution, as originally adopted with the subsequent one, (except so far as to act jointly with the committee of the House of Representatives,) be taken by them as the basis of their action, and that said committee report the result of their investigations to the Senate as in said resolution directed.

On motion of Mr. Everts,

Resolved, That the committee on finance be instructed to enquire into the expediency of so altering the law on that subject, that all lands, forfeited to the State, and authorized to be sold at Indianapolis under the operation of the law, as it now is, shall hereafter be sold in the county where the land lies.

On motion of Mr. Harris,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the justices' act that the judgment plaintiff may have some legal means for the collection of his judgment from the docket bail, in cases where the judgment defendant has become insolvent and died before the return of an execution against him, with an endorsement of "no property found."

On motion of Mr. Nave,

Resolved, That the fund commissioners be requested to furnish the Senate with a catalogue of all the Indiana State Bonds heretofore issued and sold, or hypothecated for Internal Improvement purposes, and to increase the capital stock of the State Bank of Indiana, by whom sold, and to whom, and whether on a credit, or for cash or otherwise disposed of, the date, number and amount thereof, designating the sterling from American dollar bonds.

Mr. West moved to add the following, "and also the amount of interest now due and unpaid,

Which was accepted by the mover.

On motion of Mr. Parks,

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing the eighteenth section of an act, entitled an act, pointing out the manner of levying tax, approved Feb. 12th 1841, and report by bill or otherwise.

Mr. Collins introduced joint resolution No. 14, entitled a joint resolution of the legislature of Indiana, on the subject of the public debt.

Mr. Harris moved that the rules be suspended, and the resolution read a second time,

Which was withdrawn;
Mr. Chamberlain renewed the motion to suspend and read,
The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bradley, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Dobson, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Nave Nickel, Parks, Read, Shanks, Sinclear, Tannehill, Walpole, West and Wright—29.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Cornet, Davis, Eggleston, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Pitcher, Reeve, Roberts, Sheets, Stevenson and Watts—20.

Two-thirds being necessary to dispense with the rules, the motion did not prevail.

The bill was then ordered to a second reading to-morrow.

Mr. Watts in accordance with notice given on yesterday,

Moved to amend the rules as follows:

That it shall be the duty of the Secretary of the Senate to note on the journal, the names of two of the members, calling the ayes and noes,

Which motion was adopted.

On motion of Mr. Collins.

Messrs. Bright, Walpole and West, were added to the committee on the State Bank.

On motion, the Senate adjourned.

SATURDAY MORNING, DEC. 11, 1841.

The Senate assembled.

On motion of Mr. Baird,

The rules were suspended, and leave granted him to introduce joint resolution of the Senate, No. 15.

Entitled a joint resolution, on the subject of the sale of lands mortgaged to the sinking fund,

Which was read three several times, (the rules having been dispensed with for that purpose) and passed.

Ordered, That the Secretary of the Senate inform the House of Representatives thereof, and request their concurrence therein;

The following message which was recieved on yesterday from the House of Representatives by their Clerk, Mr. Brown, was then taken up, to-wit:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate that the House have passed an engrossed bill thereof, entitled,

No. 4. "An act in relation to the jurisdiction of Justices of the Peace in Madison county;"

In which I am directed to ask the concurrence of the Senate.

When, Bill No. 4., contained in said message was read a first time and,

Ordered to a second reading on Monday.

The following message was received from the House of Representatives by Mr. Brown a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed a joint resolution of the Senate, as follows:

No. 15. A joint resolution on the subject of lands mortgaged to the sinking fund.

Mr. Parker presented the petition of William Cook, and sundry other citizens of Fayette county, praying the enactment of a law for the establishment of a certain State Road, therein named; which, on his motion, was referred without reading, to a select committee, composed of,

Messrs. Parker, Bradley and Everts.

Mr. Angle presented the petition of David M. McConaughly and others praying the vacation of a certain alley in the town of Lebanon, therein named; which on his motion was referred to a select committee,

Ordered, That, Messrs. Angle, Parks and Aker, comprise said committee.

Mr. Sands presented the petition of A. Campbell, sen., and two others, praying relief for damages done by the construction of the New Albany and Vincennes McAdamized road, which,

On motion of Mr. Collins,

Was referred to the judiciary committee:

Mr. Wright from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred, Bill N. 3. of the House to reorganize the 8th and to create the twelfth judicial circuit, have had the same under consideration and directed me to report the same back to the Senate, and recommending its passage.

Mr. Walpole moved that the bill be recommitted to a select committee of one from each judicial circuit, with instructions to enquire into the expediency of equalizing the several judicial circuits of this State, and, also, whether it is necessary to establish the 12th judicial circuit, with leave to report by bill or otherwise.

Mr. Herriman called for a division of the question,

The question being on recommitting it was decided in the negative.

Mr. Harris moved that the rules be suspended and the bill read a third time now,

Which motion was not adopted;

The question then being on ordering said bill to a third reading on Monday next:

The ayes and noes were demanded by Messrs. Harris and Walpole, when,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Burke, Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Morgan, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclear and Wright—31.

Those who voted in the negative were,

Messrs. Blair, Carr of J., Carr of L., Cornet, Herriott, Hoover of W., Kinzer, Miller, Moffatt, Mount, Nave, Nickel, Sheets, Stevenson, Tannehill, Walpole and Watts—17.

And it was so ordered.

Mr. Chamberlain from the select committee for that purpose made the following report:

The select committee appointed to investigate the conduct of certain officers and agents of the State Government, have directed me to report the following resolution to the Senate, and recommend its adoption:

Resolved, That the said committee be authorized to employ a clerk, during the performance of its duties.

Mr. Harris moved to so amend "as that the compensation shall not exceed two dollars, per day,"

Mr. Read moved to amend the amendment, "so as not to exceed three dollars per day;"

Which was accepted by the mover.

Mr. Morgan moved to amend the amendment as amended, by "striking out three dollars and inserting two," in lieu thereof:

Mr. Collins called for a division of the question,

The question then being on striking out,

The ayes and noes were demanded by Messrs. Moffatt and Morgan, when,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Bright, Burke, Carr of L., Cornet, Davis, Dobson, Elliott, Hatfield, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Nickel, Parks, Reeve, Roberts, Sands, Sheets, Stevenson, Tannehill, Walpole, Watts and Wright—30

Those who voted in the negative were,

Messrs. Baird, Carr of J., Carnan, Chamberlain, Collins, Eggleston, Everts, Foster, Gregory, Harris, Herriman, Hoover of W., Kinzer, Miller, Parker, Pitcher, Read, Shanks and Sinclear—19.

So the motion to strike out prevailed;

The question then being, as to the amount to be inserted.

Mr. Herriman moved to fill the blank with \$2,87½ cents, on which,

The ayes and noes were demanded by Messrs. Moffatt and Walpole,

Those who voted in the affirmative were,

Messrs. Baird, Carnan, Chamberlain, Eggleston, Foster, Gregory, Harris, Herriman, Hoover of W., Kinzer, Miller, Parker, Read, Sinclear and Shanks—15

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Cornet, Davis, Dobson, Elliott, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Nickel, Parks, Pitcher, Reeve, Roberts, Sands, Sheets, Stevenson, Tannehill, Walpole, Wright and Watts—31.

So the motion to insert failed;

Mr. Parker moved to lay the resolution and pending amendments on the table:

The ayes and noes being ordered by Messrs. Moffatt and Parks;

Those who voted in the affirmative were,

Messrs. Baird, Bright, Carr of J., Carnan, Eggleston, Elliott, Everts, Foster, Gregory, Herriman, Hoover of T., Hoover of W., Kinzer,

Miller, Nave, Parker, Pitcher, Read, Reeve, Roberts, Shanks, Sinclair, Stevenson and Walpole—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Burke, Carr of L., Chamberlain, Cornet, Davis, Dobson, Harris, Hatfield, Herriott, Moffatt, Morgan, Mount, Nickel, Parks, Sands, Sheets, Tannehill, Watts and Wright—24.

The President voted in the affirmative, and the motion to lay on the table, prevailed:

Mr. Parker offered for adoption the following resolution:

Resolved, That the select committee appointed by this Senate, to investigate the action of certain public officers, be authorized to employ the services of a clerk, at a compensation as reasonable as can be had for the purpose of procuring the services of a competent and efficient clerk.

Mr. Harris moved to strike out all after the "word compensation," and insert "not exceeding two dollars per day."

Mr. Nave called for a division of the question, then being on striking out:

The ayes and noes were demanded by Messrs. Watts and Parker.

Those who voted in the affirmative were,

Messrs. Angle, Aker, Berry, Blair, Bradley, Burke, Carr of L., Cornet, Davis, Dobson, Harris, Hatfield, Herriott, Moffatt, Morgan, Mount, Nickel, Parks, Sands, Sheets, Tannehill, Walpole, and Watts—23.

Those who voted in the negative were,

Messrs. Baird, Bright, Carr of J., Carnan, Chamberlain, Eggleston, Elliott, Everts, Foster, Gregory, Herriman, Hoover of T., Hoover of W., Kinzer, Miller, Nave, Parker, Pitcher, Read, Reeve, Roberts, Shanks, Sinclair and Stevenson—24.

So the question on striking out, did not prevail.

The question then recurring on the adoption of the resolution.

The ayes and noes were ordered by Messrs. Morgan and Moffatt,

Those who voted in the affirmative were,

Messrs. Baird, Bright, Carr of J., Carnan, Chamberlain, Eggleston, Elliott, Everts, Foster, Gregory, Herriman, Hoover of T., Hoover of W., Kinzer, Miller, Nave, Parker, Pitcher, Read, Reeve, Roberts, Shanks, Sinclair and Stevenson—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Burke, Carr of L., Cornet, Davis, Dobson, Harris, Hatfield, Herriott, Moffatt, Morgan, Mount, Nickel, Parks, Sands, Sheets, Tannehill, Walpole and Watts—23.

So the resolution was adopted.

Mr. Parks offered for adoption the following resolution:

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of issuing treasury notes, to the amount of two millions of dollars, predicated on the faith of the State. The amount due the Branches of the State Bank to be paid out of said issue of treasury notes—the balance to be placed in the hands of agents in each county, in proportion to the number of polls, and by said agents, to be loaned for five years, at six per centum per annum; one fifth part to be paid annually with its interest: no one individual to borrow more than five hundred dollars, the fifth part so paid in to be returned by said agent to the treasurer of State, and by him retained, said treasury notes so issued, shall be made receivable for county and State revenue, for pay of county and State officers, and further, any person collecting money by execution, and refusing said treasury notes, then shall issue a stay of two years, on said execution, and for the redemption of said treasury notes, the proceeds of the sales of the public lands, arising from a law passed at the late extra session of Congress, be pledged,

Which was referred to the committee on finance;

On motion of Mr. Walpole,

Resolved, That a select committee of one from each judicial circuit, be appointed to enquire into the expediency of equalizing the several judicial circuits of this State, and also, what changes if any are necessary, as to the terms and times of holding courts within the several circuits, with leave to report by bill or otherwise:

Mr. Harris from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, report that they have compared the following enrolled with the engrossed joint resolution of the Senate, to-wit:

No. 15. A joint resolution on the subject of lands mortgaged to the sinking fund,

And have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Brown a member:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed the following joint resolution, to-wit:

A joint resolution on the subject of lands mortgaged to the sinking fund;

I am directed to bring the same for the signature of the President.

Mr. Harris from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, report that they did on this day, present to His Excellency the Governor, for his approval and signature, the following enrolled joint resolution of the Senate, to-wit:

No. 15. A joint resolution on the subject of lands mortgaged to the sinking fund.

The following message was received from His Excellency the Governor, by his private Secretary, Mr. Kiersted:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has this day approved and signed a joint resolution on the subject of lands mortgaged to the sinking fund.

Which originated in the Senate.

On motion of Mr. Pitcher,

Resolved, That when the Senate adjourns it will adjourn to meet on Monday morning at the usual hour.

On motion, the Senate adjourned.

MONDAY MORNING, DEC. 13th 1841.

The Senate assembled.

The President announced to the Senate, the following named gentlemen as the members of the select committee,

Ordered by the resolution of Mr. Walpole of Saturday last.

Mr. Walpole, from the 5th circuit.

" Gregory, " 1st "

" Collins, " 2d "

" Bright, " 3d "

" Pitcher, " 4th "

" Elliott, " 6th "

" Carnan, " 7th "

" Wright, " 8th "

" Chamberlain, " 9th "

" Davis, " 10th "

" Aker, " 11th "

" Herriman, " 12th "

The President laid before the Senate reports from the Fort Wayne and Richmond Branch Banks, which,

On motion of Mr. Collins,

Were referred to the committee on the State Bank.

The President laid before the Senate the annual report of the Cashier of the State Bank, setting forth the conditions of the several Branches, which,

On motion of Mr. Collins,

Was laid on the table, and 300 copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Brown a member.

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed the following joint Resolution, to-wit:

A joint resolution in relation to the revenue of Marion county, in which the concurrence of the Senate is respectfully requested,

Which was read three several times,

The rules having been dispensed with for that purpose, and passed.

Mr. Berry presented the petitions of Mathew McPhitridge, administrator, praying relief,

Which on his motion, was referred to a select committee;

Ordered, That Messrs. Berry, Morgan and Hatfield comprise said committee.

Mr. Aker presented the petition of Henry Deboit and others praying the extension of a State road therein named, which,

On motion of Mr. Aker,

Was referred to a select committee without reading;

Ordered, That, Messrs. Aker, Elliott and Burke comprise said committee.

Mr. Morgan from the committee on corporations, made the following report:

Mr. President—

The committee on corporations to whom was referred the petition of James B. Foley and others, have had the same under consideration, and direct me to report the following bill, and recommend its passage:

Bill No. 16. to amend an act, entitled "an act" to incorporate the town of Greensburgh, Decatur county, approved February 4th 1837.

Which was read a first time and ordered to a second reading on tomorrow.

Mr. Parker from the select committee appointed for that purpose, made the following report:

Mr. President—

The select committee to whom was referred the petition of William Cook and other citizens of Fayette county, praying the establishment of a certain State Road, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of the petitioners:

Bill No. 17. for the establishment of a State road in Fayette county, which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr. Miller,

Resolved, That the committee on canals and Internal Improvements, be instructed to enquire into the expediency of disposing of the several public works to companies of individuals, at such rates and such terms, as will, if possible afford a profitable investment of capital, by permitting the said companies to pay the State the amount expended on the particular work or works, so disposed of their own bonds at par, which may now be found in the hands of any bank, broker, individual or individuals, company or companies, whatsoever; and release the State from any and all liabilities, hereafter for the construction of any and every such work, so as aforesaid disposed of, except those bonds heretofore sold, for which the State has not received a valuable or good consideration, and so report a bill repudiating the payment of principal or interest of the said last mentioned bonds, in whosoever hands they may now be, or hereafter come.

Mr. West offered for adoption, the following preamble and resolution:

Whereas, in consequence of the very embarrassed condition of the finances of the State of Indiana, she is unable to progress with any of her public works or pay the interest on her public debt;

And, whereas, some of these works may be of a character, which if completed would be productive; therefore, to aid in the completion of such productive works, if any there be,

Resolved, That a select committee be appointed to take into consideration the propriety of instructing our Senators, and requesting our

Representatives in Congress, to procure if possible, the passage of a law authorizing the State to purchase all the public lands within her limits, on a credit of fifteen years, without interest, and at a reasonable price, the proceeds to be faithfully applied to the completion of the most important works.

Which was not adopted.

On motion of Mr. Baird,

Resolved, That the committee on education be instructed to enquire into the expediency of reporting a bill requiring (in cases where the school fund is not sufficient to pay the teacher,) that each person shall pay precisely in proportion to the time and number, he, she or they, may send to school, a sufficient sum to make up the deficiency.

On motion of Mr. Stevenson,

Resolved, That the judiciary committee be instructed to enquire, what alterations if any are necessary, to more fully define the objects contemplated in the eighteenth section of an act pointing out the mode of levying taxes, approved Feb. 12th 1841.

On motion of Mr. Blair,

Resolved, That the committee on canals and internal improvements, be instructed to report a bill providing for a sale of the lands granted by act of Congress, for the construction of the Wabash and Erie canal, West of Tippecanoe river, and apply the proceeds thereof according to the provisions of said act.

On motion of Mr. Morgan,

Resolved, That the committee on finance be requested to enquire into the expediency of changing the time of the meeting of the General Assembly of the State of Indiana, from the first Monday in December, as, now, to the first Monday in January, with leave to report by bill or otherwise.

Mr. West offered for adoption the following preamble and resolution:

Whereas, the Wabash and Erie canal has by past legislation, been separated from the system of internal improvements, for the purpose of being pushed to completion by its own resources, leaving a balance due the State of about \$650,000 for advances made.

And, whereas, it is extremely important, that some other work or works, most likely to yield revenue to the State should be pushed to completion at an early day:

Be it therefore Resolved, That the standing committee on finance enquire into the expediency of issuing a State scrip to the amount of about \$650,000, the same redeemable by the proceeds of or receivable in payment for Wabash canal lands, applying said scrip towards the completion of certain work or works, and report by bill or otherwise.

Mr. Harris moved that said preamble and resolution be indefinitely postponed.

Mr. Eggleston moved to lay said preamble and resolution on the table,

Which motion did not prevail.

The question then being on the indefinite postponement of the preamble and resolution,

The ayes and noes were demanded by Messrs. Harris and Moffatt, when,

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Cornet, Davis, Eggleston, Everts, Gregory, Harris, Hatfield, Hoover of T., Hoover of W., Miller, Moffatt, Nave, Pitcher, Sheets Sinclear, Stevenson, Watts and Wright—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Dobson, Elliott, Foster, Herriman, Herriott, Kinzer, Morgan, Mount, Nickel, Parker, Parks, Read, Reeve, Roberts, Sands, Shanks, Tannehill and West—29.

So the motion to indefinitely postpone was not adopted.

Mr. Herriman moved to amend, by striking out the words "work or works," and insert "the Northern canal from Fort Wayne to Northport," when,

On motion the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The question pending on adjournment, being the amendment of Mr. Herriman to the preamble and resolution,

Being again taken up, it was decided in the negative.

Mr. Collins moved to amend as follows:

"And if they deem it expedient to cause such issue of scrip to report a bill appropriating \$200,000 of said scrip for the completion of the Indianapolis and Madison Railroad to Edinburgh, \$75,000 thereof to complete the grading and bridging of the Jeffersonville and Crawfordsville road between Jeffersonville and Salem, and \$60,000 for the completion of the grading and bridging of the New Albany and Vincennes road between Paoli and the east fork of White river, and \$100,000 to the improvement of the rapids of the Wabash river, the residue of said sum to the White water canal."

On motion of Mr. West,

Said resolution and pending amendment were laid on the table.

On motion of Mr. Baird,

Resolved, That the committee on finance be instructed to enquire into the expediency of so changing the law on the subject of granting license to Tavern-keepers, and persons to retail spirits, that regard shall be had to the location of the applicant and his probable amount

of business. The object of this resolution is to prevent the board of county commissioners from exacting the same amount from all applicants, some of which applicants can realize little more of profits than the amount of tax to be paid.

Mr. Chamberlain offered for adoption the following preamble and resolution:

Whereas, in consequence of the very embarrassed condition of the finances of the State of Indiana, she is unable to persevere with any of her public works, or pay the interest on her public debt, and,

Whereas, some of the works may be of a character, which, if completed would be productive, therefore to aid in the completion of such productive works, if any there be;

Resolved, That a select committee be appointed to take into consideration the propriety of instructing our Senators and requesting our Representatives in Congress to procure if possible the passage of a law, authorizing the State to purchase all the public lands within her limits, on a credit of twenty years without interest, and at a reasonable price, to be faithfully applied to the completion of the most important works.

The ayes and noes being demanded by Messrs. Chamberlain and West;

Those who voted in the affirmative were,

Messrs. Aker, Chamberlain, Davis, Dobson, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Miller, Sinclear and West—13.

Those who voted in the negative were,

Messrs. Baird, Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Collins, Cornet, Eggleston, Elliott, Everts, Hoover of T., Hoover of W., Kinzer, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Reeve, Roberts, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright—31.

So the resolution was not adopted.

On motion of Mr. Carr of L.,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating the summoning and empanneling grand and petit jurors, so as to require the sheriff hereafter to summon petit jurors from the by-standers or others, under such rules and regulations as shall be prescribed by law; and that the fees of petit jurors be taxed against the parties litigant in the same manner that other costs are, with leave to report by bill or otherwise.

On motion of Mr. Wright,

Resolved, That the committee on finance enquire into the expediency of exempting from taxation two hundred dollars valuation, of im-

provements upon all lands other than town lots, and that they report by bill or otherwise.

On motion of Mr. Nave,

Resolved, That the standing committee on education be instructed to enquire into the expediency of passing a law applying to purposes of education in this State, all such fees as have been, or which may hereafter be received by any of the officers of this State, by virtue of their respective offices, which have not or may not be demanded of said officers for two years from and after the time of receiving the same, with leave to report by bill or otherwise.

On motion of Mr. Baird,

The Senate resolved itself into committee of the whole on the Governors message,

Mr. Baird being called to the chair, after a short time spent therein the committee rose, the President resumed the chair, and,

Mr. Baird reported that the committee had adopted the following resolutions, and had directed him to ask the concurrence of the Senate therein, viz:

1. *Resolved*, That so much of the message as relates to the State Bank, be referred to the committee on the State Bank.

2. *Resolved*, That so much of the Governor's message as relates to Internal Improvements, be referred to the committee on canals and Internal Improvements.

3. *Resolved*, That so much of the Governor's message as relates to the taking in the fifty dollar treasury notes, and substituting fives in their stead, be referred to the committee on Finance.

4. *Resolved*, That so much of the Governor's message as relates to the education of the deaf and dumb, and to the erection of a Lunatic Asylum, be referred to the committee on education.

5. *Resolved*, That So much of the message as relates to the State Prison be referred to the committee on the State Prison.

6. *Resolved*, That so much of the Governor's message as relates to our financial embarrassments be referred to the committee on finance.

7. *Resolved*, That so much of the Governor's message as relates to our Fund Commissioner and his very full report, be referred to the investigating committee.

8. *Resolved*, That so much of the Governor's message as relates to the further prosecution of the public works by companies be referred to the committee on canals and Internal Improvements.

9. *Resolved*, That so much of the Governor's message as refers to the grant of lands for the continuation of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre-Haute, be referred to the committee on canals and Internal Improvement.

10. *Resolved*, That so much of the Governor's message as relates to county Seminaries, be referred to the committee on education.

11. *Resolved*, That so much of the Governor's message as relates to the procuring the assistance of companies in the prosecution of our

public works, be referred to the committee on canals and Internal Improvements.

12. *Resolved*, That so much of the Governor's message as relates to the State University, be referred to the committee on education.

13. *Resolved*, That so much of the Governor's message as relates to the State Library, be referred to the standing committee on that subject.

The question on concurring in the resolutions, as adopted in committee of the whole, was taken in general, and decided in the affirmative.

Mr. Berry introduced an engrossed Bill, No. 18,

To repeal a portion of a joint resolution on the subject of the Michigan road lands, which having been read three several times, (the rules being suspended for that purpose) was passed.

Mr. Baird introduced Bill No. 19,

For the relief of certain persons therein named, read a first time, and ordered to a second reading on to-morrow.

Mr. Harris introduced Bill No. 20,

For the relief of owners of Wabash and Erie canal lands, read a first time and ordered to second reading on to-morrow.

Mr. Cornet introduced Bill No. 21,

Authorizing the associate judges of Ripley county to sit and perform the duties of probate judge, in certain cases therein prescribed, which was read three several times, (the rules having been dispensed with for that purpose,) and passed.

Mr. Burke introduced Bill No. 22,

To amend the act entitled "an act to incorporate the Richmond Trading and Manufacturing company," which was read a first time and ordered to a second reading on to-morrow.

Mr. Read introduced Bill No. 23,

To amend an act entitled "an act concerning proceedings in ejectment and for the relief of occupying claimants of land," approved Feb. 13th 1831, which was read a first time and ordered to a second reading on to morrow.

Mr. Nave introduced Bill No. 24,

To amend the several laws now in force in this State, subjecting real and personal estate to execution, which was read a first time, when,

Mr. Harris moved that the rules be suspended and the bill read a second time now,

Which motion was not adopted.

So said bill was ordered to a second reading on to-morrow.

Mr. Davis introduced Bill No. 25,

To legalize the act of Madison Palmer, formerly justice of the peace in Daviess county, which was read a first time and ordered to a second reading on to-morrow.

Mr. Davis introduced Bill No. 26,

To define more particularly the duties of the commissioners of the

three per cent fund in Daviess county, which was read, and ordered to a second reading on to-morrow.

The following message was received and read, from the House of Representatives, by Mr. Brown a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed a joint resolution No. 1, respecting sales on execution on personal property, in which the concurrence of the Senate is respectfully requested.

Said joint resolution of the House having been read, Mr. Herriman moved to suspend the rules and read a second time now.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Bradley, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Moffatt, Nave, Nickel, Parks, Rceve, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright—37.

Those who voted in the negative were,

Messrs. Angle, Blair, Collins, Cornet, Eggleston, Mount, Parker, Pitcher and Read—9.

So the rules were suspended, and the bill read a second time,

When Mr. Eggleston offered the following amendment, which was adopted:

Strike out "from and after its passage," and insert "from and after a certified copy shall be filed in the Clerk's office of the several counties respectively."

On motion of Mr. Nave, the following amendment was adopted, "after the word personal," add the following, "and real."

On motion of Mr. West, the following amendment was adopted, "strike out 15th January" and insert "Feb. 1st."

On motion of Mr. Harris,

The vote on Mr. West's amendment was reconsidered, when

Mr. Nave moved to amend the amendment as follows, by striking out the words "1st Feb." and insert "1st of March;"

Which motion did not prevail.

The question then being on the adoption of Mr. West's amendment to the resolution as amended;

Which was decided in the affirmative.

On motion of Mr. Parker the following amendment was adopted:

And it shall be the duty of the various Clerks immediately after their

notification of the passage of this resolution, to notify the several Justices of the Peace of the proper county of its passage, and no Constable, or execution plaintiff shall be held as trespasser for selling property under the laws now in force until after the Justice issuing the execution shall have the notice aforesaid.

Mr. Chamberlain moved to refer said joint resolution to the committee on the Judiciary, with the following instructions, "to insert the necessary provision in reference to the return of execution;"

Which was adopted.

ORDERS OF THE DAY.

Bill No. 3 of the House of Representatives, entitled a bill to reorganize the eighth and create the twelfth Judicial Circuit, was read a third time and passed.

On motion of Mr. Nave,

The rules were suspended, and leave granted him to make the following report from the select committee, appointed for that purpose:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate No. 1, entitled "a bill to repeal a part of the revenue laws now in force in the State of Indiana," have according to order had the same under consideration, and a majority of said committee have made one amendment thereto, viz: by striking said bill out from its enacting clause, and inserting the following—and have also instructed me to report the same back with said amendment, and ask the concurrence of the Senate thereto.

Said bill having been read,

Mr. Elliott moved to amend the same by striking out the following words, to wit: "so much as relates to licensing brokers;"

Which was not adopted.

Mr. Collins moved to recommit the bill to the standing committee on Finance;

Which motion did not prevail.

On motion of Mr. Parker,

The following amendment was adopted:

Provided, That nothing herein shall be so construed as to affect the exclusive rights of any persons who may have procured broker licenses until after such licenses shall have expired.

Mr. Herriman moved the adoption of the following amendment to-wit:

"To repeal the fifteenth section of the act appointing the State Board of equalization":

Mr. Harris moved to refer the bill and amendments to the committee on the judiciary;

The question being on referring,

The ayes and noes were demanded by Messrs. Herriman and Aker;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Carr of J., Collins, Cornet, Eggleston, Elliott, Gregory, Harris, Hoover of W., Morgan, Reeve, Sheets, Watts and Wright—18.

Those who voted in the negative were,

Messrs. Berry, Bradley, Carr of L., Carnan, Chamberlain, Davis, Dobson, Everts, Foster, Herriman, Herriott, Hoover of T., Miller, Moffatt, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Stevenson, Tannehill and West—27.

So the motion to commit did not prevail.

The question then recurring on the amendment of Mr. Herriman.

The ayes and noes were ordered by Messrs. Morgan and Moffatt,

Those who voted in the affirmative were,

Messrs. Berry, Carr of L., Chamberlain, Davis, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of W., Miller, Parks, Read, Roberts, Shanks, Sinclear, Tannehill and West—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carr of J., Carnan, Collins, Cornet, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Sheets, Stevenson, Watts and Wright—26.

So said amendment was not adopted.

On motion of Mr. Chamberlain,

The following amendment to the amended was adopted:

Resolved, That nothing herein shall be so construed as to give brokers any exclusive privileges.

The question then being on the adoption of Mr. Naves' amendment as amended,

It was decided in the affirmative, and,

The bill was then ordered to be engrossed and read a third time tomorrow.

On motion of Mr. Baird,

The rules were suspended, and leave granted to offer the following resolution:

Resolved, That if it becomes necessary, the Sergeant-at-Arms is hereby authorized to employ not exceeding two assistants to serve

processes, said assistants shall not draw pay except when actually employed.

Mr. Harris moved to amend by affixing the salaries of said assistants, so as not to exceed two dollars per day,

Which was not adopted.

The question then being on the adoption of the resolution, it was decided in the affirmative.

On motion of Mr. Chamberlain,

Resolved, That the Senate will, the House of Representatives concurring therein, go into the election of President Judge, for the 12th judicial circuit, and Prosecuting attorneys for the eighth and twelfth judicial circuits, to-morrow at 2 o'clock P. M.

Mr. Harris from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The committee on enrolled bills report that they have compared the following enrolled with the engrossed joint resolution of the House of Representatives, to-wit:

No. 12. A joint resolution in relation to the revenue of Marion county,

And have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Brown their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled joint resolution of the House,

No. 12. A joint resolution in relation to the revenue of Marion county,

I have been directed to bring the same to the Senate for the signature of the President thereof.

On motion the Senate adjourned.

TUESDAY MORNING, DECEMBER 14, 1841.

The Senate assembled.

Mr. Nave presented the proceedings of a public meeting in Hendricks county, instructing him in regard to certain measures therein named, which was ordered to be laid on the table.

Mr. Dobson presented the memorial of the county commissioners of Owen county, praying that the office of county auditor be continued.

Which on motion of Mr. Dobson, was laid on the table.

Mr. Burke presented certain resolutions from the Wayne county Education Society, which on his motion, was referred without reading to the standing committee on education.

Mr. Angle, from the select committee for that purpose, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of D. McConaughy and others, praying the vacation of an alley in the town of Lebanon in Boon county, have had the same under consideration and have authorised me to report a bill pursuant to the prayer of the petition,

Entitled a bill to vacate an alley in the town of Lebanon, Boon county,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Sands offered for adoption the following resolution:

Resolved, That the committee on federal relations be instructed to report to the Senate a memorial and joint resolution, urging our Senators and Representatives in Congress, to use their influence so to change the constitution of the United States that, a majority of both branches of Congress shall control the *Veto* of the executive.

The question being on its adoption,

The ayes and noes were demanded by Messrs. Chamberlain and Read.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moflatt, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Sands, Sheets, Watts and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of W.,

Kinzer, Miller, Parks, Read, Roberts, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—24.

So the resolution was adopted.

Mr. Parks offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the office of county auditor, approved Feb. 12, 1841,

Which was not adopted.

Mr. Wright offered for adoption the following resolution:

Resolved, That the judiciary committee inquire into the constitutionality and expediency of apportioning the present State debt among the several counties of this State in proportion to the amount of taxable property of each county, and that upon the payment into the State treasury an amount equal to such sum so set apart, to such county, in State bonds, that in such case, such county shall be forever thereafter exempt from taxation for or on account of the present debt of the State, and that they report by bill or otherwise.

Mr. Watts moved to amend the resolution by inserting prior to the word "counties," the words "Internal Improvement."

Mr. Berry moved to amend the amendment by inserting as follows:

"Where any portion of the public works has been put under contract," when,

On motion of Mr. Stevenson,

Said resolution and pending amendments were laid on the table.

On motion of Mr. Herriott,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, that when any person shall voluntarily appear before a grand jury, with a view to procure an indictment against any person or persons, on the final hearing and determination of such prosecution, the court shall be of the opinion that the prosecution was commenced through malice, or without reasonable grounds for the same, the court shall render judgment against said prosecuting witness for the amount of costs necessarily accruing in said prosecution.

Mr. Baird introduced

Bill No. 28, for the relief of certain persons therein named,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Nave introduced

Bill No. 29, for the relief of certain persons therein named,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Herriman introduced

Bill No. 30, to compel speculators to pay a road tax equal to that paid by actual settlers,

Which was read a first time and ordered to a second reading on to-morrow.

ORDERS OF THE DAY.

Engrossed bill No 1, to repeal a part of the revenue laws now in force in the State of Indiana, being read a third time, when,

Mr. West moved to re-commit the bill to the committee on finance, with instructions to insert after the word "travelling" the words "or other," a division of the question being called for.

The question then being on re-committing, the ayes and noes were demanded by Messrs. Nave and Walpole.

Those who voted in the affirmative were,

Messrs. Angle, Harris, Herriman, Reeve, Walpole and West—26.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Sands, Shanks, Sheets, Sinclair, Stevenson, Tannehill, Watts and Wright—43.

So the motion to re-commit did not prevail.

Bill No. 6, to reduce the fees and salaries of all officers in the State of Indiana, and also the wages and allowance for mileage of members of the legislature, being read a second time,

Mr. Herriman moved to strike out the words "one half" and insert in lieu thereof the words "one third,"

Which motion was not adopted.

Mr. Parker moved to strike out the words "one half," and insert "one fourth," in lieu thereof, when,

On motion of Mr. Collins,

Said bill and pending amendments were re-committed to the Judiciary committee.

Mr. Gregory moved to instruct said committee to strike out the second section of said bill and insert in lieu thereof the following:

"That the pay of members of the legislature be reduced to twenty-five cents per day; that they are each required to come to the seat of government on board of an old grey horse, the value of which shall not exceed ten dollars; that they are each to bring with them at least one month's provisions in a tow bag, together with an old *case knife*; that they are to eat their hasty meal sitting upon the steps of the capitol that they may be ready at any moment to resume the consideration of the important business of the State; and that the respective door-keepers of the Senate and House of Representatives are hereby authorised to furnish beds in the market house for their accommodation.

Which motion did not prevail.

Joint resolution No. 7, on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois, having been read a second time,

Mr. Elliott moved to recommit the same to the committee on Finance.

Mr. Eggleston moved to instruct the committee as follows: strike out the words "at an early day," and insert "the 1st day of June, 1842," when,

On motion, the Senate adjourned.

Tuesday, 2 o'clock, P. M.

The Senate assembled.

The President announced to the Senate the appointment of Messrs. Bright and Gregory, as tellers on the part of the Senate, for conducting the election of Judge and Prosecuting Attorneys for the eighth and twelfth Judicial Circuits.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the House of Representatives, to wit:

No. 3, an act to reorganize the eighth and to create the twelfth Judicial Circuits, and have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Brown their Clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bill of the House of Representatives, to wit:

"No. 3, a bill to reorganize the eighth and create the twelfth Judicial Circuit," I have been directed to bring the same to the Senate, for the signature of the President thereof.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature, the following enrolled bill of the House of Representatives, to wit:

No. 3, an act to reorganize the eighth and to create the twelfth Judicial Circuits.

The following message was received from the House of Representatives, by Mr. Brown their Clerk.

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has reciprocated the resolution of the Senate, relative to the election of a President Judge in the 12th Judicial Circuit, and Prosecuting Attorneys in said twelfth and eighth Circuits, and Messrs. Bowers and Leslie are appointed tellers on the part of the House. The House have also adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *instantly* for the purpose of electing a Judge for the twelfth Circuit, and also Prosecuting Attorneys for the eighth and twelfth Circuits, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate proceeded to the Hall of the House of Representatives for the purpose of electing said officers.

The Convention then proceeded to elect by ballot a President Judge for the twelfth Judicial Circuit, and on counting the votes, it appeared that

Thomas Johnson received	- - - -	71 votes,
James W. Borden	" - - - -	77 "
Blank	- - - -	1 "

James W. Borden having received a majority of all the votes given, was by the President declared duly elected President Judge of the twelfth Judicial Circuit, for the term of seven years from and after this time.

The convention then proceeded to the election of Prosecuting Attorney for the eighth Judicial Circuit, when on counting the first ballot it appeared that

William S. Palmer received	- - - -	55 votes
Spear S. Tipton	" - - - -	62 "
William L. Stewart	" - - - -	30 "

Neither of the candidates having received a majority of all the votes given, the convention proceeded to a second balloting, when on counting the same it appeared that

William S. Palmer received	- - - -	64 votes
William L. Stewart	" - - - -	14 "
Spear S. Tipton	" - - - -	68 "
Scattering	" - - - -	1 "

No candidate having received a majority necessary to a choice, the convention proceeded to a third balloting, when

William S. Palmer received	- - - -	65 votes
Spear S. Tipton	" - - - -	82 "
Scattering	" - - - -	1 "

Spear S. Tipton having received a majority of all the votes given, was by the President declared duly elected Prosecuting Attorney for the eighth Judicial Circuit, to serve as such for two years from and after this time.

The convention then proceeded to the election of Prosecuting Attorney for the twelfth Judicial Circuit. On counting the votes on first ballot,

William H. Combs received	- - - -	68 votes
Lucien P. Ferry	" - - - -	32 "
Reuben J. Dawson	" - - - -	48 "

Neither of the candidates having received a majority of all the votes given, the convention proceeded to a second balloting, when

William H. Combs received	- - - -	74 votes
Reuben J. Dawson	" - - - -	66 "
Lucien P. Ferry	" - - - -	07 "

William H. Combs having received a majority of all the votes given, was by the President declared duly elected Prosecuting Attorney for the twelfth Judicial Circuit, to serve as such for two years from and after this time.

The convention having completed its business, the Senate returned to its chamber, and,

On motion of Mr. Chamberlain,

The rules were suspended and leave granted him to make the following report:

MR. PRESIDENT—

The Judiciary committee to whom was referred "a joint resolution respecting sales of personal property on execution, have had the same subject under consideration, and direct me to report the same back to the Senate, and recommend its passage with two amendments:

First, strike out the 15th day of January, wherever it occurs, and insert the first day of February.

Second, add to the first section the following proviso:

Provided, That no officer or execution plaintiff, shall be subject to any action for damages in consequence of any levy, or sale of property on execution, who had not actual notice of the passage of this joint resolution. *Provided further*, that any officer having an execution in his hands, shall, after levy, return the same to the office from which it issued, and take out a venditioni exponas ordering the sale of such property so levied on as before, upon some day, subsequent to the 1st of February, A. D. 1842. *Provided further*, that nothing in this joint resolution shall be so construed, as in any manner to effect the rights of replevin bail.

The question being on the engrossments of the amendments to the joint resolution.

On motion of Mr. Walpole,

Said bill was considered as engrossed, and

On motion the rules were suspended, and the joint resolution as amended read a third time, when the question being, shall said joint resolution pass?

The ayes and noes were demanded by Messrs. Parker and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Blair, Bradley, Burke, Chamberlain, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of T., Moffatt, Nickel, Parks, Reeve, Sands, Shanks, Sinclear, Tannehill, Walpole and West—25.

Those who voted in the negative were,

Messrs. Baird, Bright, Carr of J., Carr of L., Carnan, Collins, Cornet, Eggleston, Elliott, Gregory, Hoover of W., Kinzer, Miller, Morgan, Mount, Nave, Parker, Pitcher, Read, Roberts, Sheets, Stevenson, Watts and Wright—24.

So said joint resolution was passed.

Mr. Harris, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT:—

The joint committee on enrolled bills report that, they did on this day, present to His Excellency, the Governor, for his approval and signature the following enrolled bill of the House of Representatives, to wit:

No. 2. A joint resolution in relation to the revenue of Marion county, when,

On motion the Senate adjourned.

WEDNESDAY MORNING DEC. 15, 1841.

The Senate assembled,

Mr. Stevenson from the standing committee on education, made the following report:

The committee on education to whom "so much of the Governor's message was referred, as relates to the education of the deaf and dumb, and,

To the erection of a lunatic asylum, have according to order, had the same under consideration;

Your committee are fully sensible of the importance of the recommendations contained in this part of the message.

The peculiar wretchedness of that part of our race, who may be classed as lunatics, is well calculated to excite our deepest sympathy, and calls loudly for early measures in their behalf.

The claims of the deaf and dumb are equally felt, and the consideration alone, of the extreme embarrassment of the State, has induced the committee to recommend the postponement of the further consideration of the subject.

Which report was concurred in.

Mr. Nave from the standing committee on education, made the following report:

Mr. PRESIDENT:—

The committee on education to which was referred a resolution of the Senate, instructing them to enquire into the expediency of passing a law applying to purposes of education, all such fees as have been or which may hereafter be received by any of the officers of this State, by virtue of their respective offices, which have not or may not be demanded of said officers for two years from and after the time of receiving the same," have according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage:

Bill No. 31. Applying certain funds therein named, to purposes of education, which was read and ordered to a second reading on to-morrow.

On motion of Mr. Baird.

Resolved, That the committee on education enquire into the expediency of appointing a superintendent of common schools, detailing in said bill what shall be his duties.

Mr. Carr of Jackson offered for adoption the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law relative to county seminaries, as to require seminary agents, or trustees, (as the case may be)

to make annual reports to the legislature showing the amount and condition of the seminary fund in each county respectively

Which was adopted.

Mr. Morgan offered for adoption the following resolution:

Resolved, That the committee on the judiciary be required to enquire what alteration, if any, is necessary to be made in the estray law, with leave to report by bill or otherwise.

Which was adopted.

On motion of Mr. Burke,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the act supplemental to an act subjecting real and personal estate to execution, approved Feb. 4th, 1841, so as to give the execution defendant the possession of real estate sold until the time of redemption shall have expired, or the rents and profits of the premises sold, in the mean time in case of redemption.

On motion of Mr. Chamberlain,

Resolved, That Jesse L. Williams be requested to lay before the Senate, with as little delay as possible, a statement showing the number and names of engineers, who, during the past year, have been in the employment of the State, the nature of services rendered by them, and the amount of compensation allowed. Also, the names of all other persons, including the board of Internal Improvements, who have in any manner been in the employment of the State in reference to her public works, (exclusive of the fund commissioner;) the nature and amount of their services, and the compensation allowed them.

On motion of Mr. Morgan,

The credentials of members were referred to the standing committee on elections.

On motion of Mr. Elliott,

Resolved, That the principal Engineer of the State be required to report to the Senate at the earliest day practicable, an estimate of the probable amount requisite to construct the extension of the Wabash and Erie canal from Lafayette to Terre Haute, and the probable value of the lands belonging to the State, and yet unsold, for the construction of that work, including as well, those selected for the extension, as those formerly selected for the construction of said canal, and for what amount they can probably be sold, having a reference to former sales; and also, the amount yet due the State for lands heretofore sold.

Mr. Nave offered for adoption the following resolution:

Resolved, That the standing committee on the judiciary be instructed to inquire into the expediency of reporting a bill to the Senate, prohibiting by fines and penalties, individuals from carrying on or exercising the business of exchange brokers in this State, such as dealing in bills of exchange, or buying or selling bank notes, gold and silver, either for a premium or at a discount, with leave to report by bill or otherwise,

Which was not adopted.

On motion of Mr. Collins,

The vote on said resolution was re-considered.

The question then being on the adoption of the resolution, it was decided in the negative.

On motion of Mr. Dobson,

Resolved, That the committee on canals and Internal Improvements be instructed to inquire into the expediency of authorising the State Board of Internal Improvements to commence operations on that part of the Wabash and Erie canal which lies between Lafayette and Terre Haute, by letting contracts on the same during the present season: Also, into the expediency of having the lands lately obtained for the continuation of said canal, appraised and made subject to private entry, at some fixed price: Also, into the expediency of authorising the issue of one, or one and a half millions of scrip, payable in three years and bearing six per cent. interest—the said scrip to be receivable for canal lands—said scrip to be paid out for work on said canal.

Mr. Baird offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill so changing the law, that in no case shall any person be allowed to exact more than six per cent. interest for loans of money.

The ayes and noes being demanded by Messrs. Baird and Angle;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carr of J.. Carr of L., Carnan, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Read, Sands, Shanks, Sinclear, Stevenson, Tannehill, Watts, West and Wright.—35.

Those who voted in the negative were,

Messrs. Blair, Bradley, Cornet, Eggleston, Gregory, Herriman, Hoover of T., Hoover of W., Mount, Parker, Reeve, Roberts, Sheets, and Walpole.—14.

So said resolution was adopted.

On motion of Mr. Berry.

Resolved, That the judiciary committee be instructed to inquire into the expediency of making it the duty of the clerks of the circuit courts, immediately after the close of each term of the circuit court, to furnish the county auditors with the amount of claims allowed by said court, and to whom, with leave to report by bill or otherwise.

Mr. Herriman offered the following resolution:

Resolved, That a select committee be appointed with instructions to report a bill providing for the issue of \$500,000 of treasury notes, annually for four years, for the purpose of completing the following

works, to wit: The Northern canal to the feeder dam in Noble county, the Railroad to Indianapolis, the White Water canal to the National road, and the improvement of the Wabash rapids.

Mr. Chamberlain moved to lay the resolution on the table, when the ayes and noes were demanded by Messrs. Parker and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Gregory, Harris, Hatfield, Hoover of T., Hoover of W., Kinzer, Miller, Morgan, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Walpole, Watts, West and Wright—39.

Those who voted in the negative were,

Messrs. Baird, Elliott, Everts, Foster, Herriman, Herriott, Moffatt, Mount, Parker, Sinclear and Tannehill—11.

So said resolution was laid on the table.

Mr. Shanks introduced

Bill No. 32, to repeal an act entitled an act incorporating the Washington county seminary, approved, January 24, 1827,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Sands introduced

Bill No. 33, to provide for changing the time of holding the probate courts in the county of Orange,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Pitcher introduced

Bill No. 34, to amend, "an act to revise and amend," an act incorporating congressional townships, and providing for public schools therein,

Which was read a first time and ordered to a second reading on to-morrow.

ORDERS OF THE DAY.

The Senate resumed the consideration of Mr. Eggleston's amendment to joint resolution No. 7, on the subject of a resumption of specie payments, by the States of Ohio, Kentucky and Illinois, pending when the Senate adjourned on yesterday at noon. After considerable debate

Mr. Eggleston withdrew his amendment, and,
On motion the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate again resumed the consideration of joint resolution No. 7, as pending on adjournment.

The question being on its reference to the committee on finance,
On motion of Mr. Miller,

A call of the Senate was ordered, when

Mr. Read moved that a further call of the Senate be dispensed with,
Which motion prevailed.

The President having put the question, shall said joint resolution be referred to the committee on finance?

The ayes and noes were ordered by Messrs. West and ———

Those who voted in the affirmative were,

Messrs. Aker, Baird Blair, Bradley, Burke, Collins, Elliott, Hoover of T., Moffatt, Mount, Nave, Parker, Reeve, Sands and Watts—15.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Cornet, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Morgan, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill and Wright—32.

So said joint resolution was not referred.

Mr. Elliott offered the following as an amendment to said resolution, viz:

"Intends at its present session to take measures contemplating an early resumption of specie payments by the Banks of this State, and anxiously desiring the co-operation and concurrence of the adjoining States, by a like resumption on the part of their respective banks."

Strike out of the preamble after the word "Indiana" to the word "therefore" and insert the above.

Mr. West moved to amend the amendment as follows:

Strike out the word "desirous" and insert "intend" in lieu thereof.

The ayes and noes being demanded by Messrs. Chamberlain and—

Those who voted in the affirmative were,

Messrs. Angle, Berry, Blair, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Foster, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill and West—24.

Those who voted in the negative were,

Messrs. Aker, Baird, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Sheets, Stevenson, Watts and Wright—24.

The President voting in the affirmative, the amendment was accordingly adopted.

The question then being on Mr. Elliott's amendment as amended.

Mr. Herriman called for a division of the question;

The question then being on striking out, which was decided in the negative.

The President then put the question, shall said joint resolution be engrosed?

Which was decided in the affirmative.

The joint resolution was then ordered to a third reading on to-morrow.

Joint resolution No. 9. On the subject of a repeal of the existing duty on salt;

Having been read a second time, was,

On motion of Mr. Eggleston,

Referred to the committee on federal relations.

Bill No. 11. For the extension of the time of sales of real and personal property;

Was read a second time, and,

On motion of Mr. Davis,

Referred to the judiciary committee.

Bill No. 12. To amend an act entitled an act to regulate the taking up of animals going estray, and water craft and other articles of value adrift,

Was read a second time, and,

On motion of Mr. Parker,

Referred to the committee on Agriculture.

Bill No. 13. To repeal a part of a certain act therein named,

Was read a second time, and,

On motion of Mr. Gregory,

Referred to the judiciary committee.

Joint resolution No. 14. On the subject of the public debt, having been read a second time,

Mr. Collins moved to amend as follows:

Resolved, Also, that the fund commissioner of the State of Indiana, be and he is hereby directed to hold any securities which may have been heretofore received by the agents of this State as indemnity against said repudiated bonds in trust, and for the benefit of the holders of such bonds, and that when the said bonds are ascertained, the fund commissioner of the State shall apply said securities as the holders of said bonds shall agree;

Which motion prevailed.

On motion of Mr. Collins,

Said bill and amendment were referred to the judiciary committee.

On motion the Senate adjourned.

THURSDAY MORNING, DEC. 16, 1841.

The Senate assembled.

The President laid before the Senate the following message from His Excellency the Governor, with the report of the Treasurer of State in relation to the three per cent fund.

EXECUTIVE DEPARTMENT,
December 15th, 1841. }

HON. SAMUEL HALL,

President of the Senate.

I herewith transmit to the Senate a communication from G. H. Dunn Esq., Treasurer of State, enclosing copies of letters from the Secretary of the Treasury of the United States, and the acting comptroller, explaining the grounds upon which the amount of the three per cent fund due the State of Indiana for the present year has been withheld. It seems that the State has failed to pay the interest amounting to \$3,525, on her bonds, held by the General Government, in trust for the Chickasaw Indians, due the first of last July. To discharge this sum, the Secretary of the Treasury has retained the whole of our part of the three per cent fund, \$4,808.15. The acting comptroller in his letter, states that he does not deem it important to express an opinion as to the *legal right* of the United States to adopt this course; and in as much as I am not myself able to perceive either the equity or justice of a precedent, by which we may be deprived of the whole of this fund, although it is likely to amount to a much larger sum than the interest due from the State, I have deemed it proper to lay the matter before the General Assembly for consideration.

I have the honor to be,

your most ob't. servant,

SAMUEL BIGGER.

TREASURER'S OFFICE, }
 INDIANAPOLIS, December 1, 1841. }

To His Excellency, Samuel Bigger,
 Governor of the State of Indiana:

SIR—In my report respecting the three per cent fund, I stated that the amount due the State for the last year, had not been paid over by the Treasury of the United States, although application had been made therefor.

Since then I have received a letter from the Hon. Walter Forward Secretary of the Treasury of the United States, enclosing a letter to him from the first comptroller of the Treasury of the United States, giving the reasons which have induced the United States' authorities to withhold the payment due the State on account of this fund.

Not concurring in the views expressed in these letters, I have again written to the Hon. Secretary on the subject, and in the mean time I have the honor to enclose copies of the letters referred to.

Respectfully your o'bt. ser'vt,
 G. H. DUNN, *Treasurer of State.*

P. S. The amount of three per cent fund due, is \$4,808,15.

TREASURY DEPARTMENT }
 FIRST COMPTOLLERS OFFICE, November 11, 1841. }

SIR—In a letter from your predecessor in office of the 7th of September last, received on the 9th inst, it is stated that an application has been made to the Department for payment of the *arrears* of the three per cent fund due to the State of Indiana, and that there was due from that State on the 1st of July last \$3,525 for interest on \$141,000 of its bonds, held in trust for the Chickasaws.

The opinion of this office is requested, whether the proceeds of the three per cent fund can be legally applied to the payment of the *interest* on the bonds or, whether the sum due on the three per cent fund should not be withheld until the *interest* due on the bonds is discharged.

In reply I have the honor to state that by the two treaties, between the United States, and the Chickasaw Indians, dated 20th October 1832, and 24th May 1834, all the lands lying East of the Mississippi river, (except certain reservations) were ceded to the United States; the same to be surveyed and sold, the proceeds thereof to be invested "in some safe and valuable stocks," and the 11th article of the last treaty it stipulated that "the United States will cause the interest arising therefrom, annually to be paid to the Chickasaws."

From the moneys received for the sale of these lands, it appears that

the State of Indiana borrowed from the United States holding the same in trust for said Chickasaw Indians, a sum equal to \$141,000 of its bonds now held, and upon which interest is due as stated.

The United States therefore being bound by the terms of the treaty of 1834, to pay annually to this tribe of Indians the interest arising on the moneys invested for them; and by the 11th article of the treaty of 1832, also bound ultimately to return upon certain conditions the principal thus loaned, the United States became virtually the creditor to all who have borrowed from this Indian fund, and therefore I am of opinion, are fully authorized to retain moneys in their possession belonging to a State or corporation indebted as in this case, until the interest due shall be fully paid.

The maxim in law is a sound one, that a party asking equity should first be willing to grant it.

As the course above suggested, it is believed, will cause the interest in arrears to be paid by the State of Indiana, I have not deemed it important at this time to express an opinion as to the legal right of the United States to apply the proceeds of the three per cent fund for that purpose.

I have the honor to be, very respectfully,
 your obedient servant,
 (Signed) J. N. BARKER, *acting Comptroller.*

Hon. WALTER FORWARD,
Secretary of the Treasury.

TREASURY DEPARTMENT, }
 November 13th, 1841. }

SIR—The reply of the Department, to your application for the payment of the arrears of the three per cent fund due the State of Indiana, has been delayed in consequence of the omission of the authorities of the State to provide for the payment of the interest due 1st July last, on a part of its bonds held by the United States in trust for the Chickasaw Indians.

Concurring in the views taken in the enclosed copy of a letter from the Comptroller of the Treasury, to whom the subject was referred, I regret it will not be in my power to comply with your request, while that difficulty continues.

I am very Respectfully, sir,
 your obedient servant,
 W. FORWARD, *Secretary of the Treasury.*

GEORGE H. DUNN, Esq.,
Treasurer of the State of Indiana.

On motion of Mr. Watts,

Said message and report were referred to the committee on federal relations, with the following instructions:

"And also to enquire whether the State has heretofore received her three per cent fund from lands in Indiana, entered at Cincinnati."

The President laid before the Senate the annual report of the commissioners of the sinking fund, and surplus revenue, which,

On motion of Mr. Parker,

Was laid on the table, and 500 copies ordered to be printed.

On motion of Mr. Elliott,

Said report was ordered to be printed in the Documentary Journal.

The following message was received from the House of Representatives, by Mr. Brown their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate, to joint resolution of the House, entitled, No. 23. a joint resolution respecting sales of personal property on execution;

And that the Speaker of the House has signed the said joint resolution, and I am directed to bring the same to the Senate for the signature of the President thereof.

The following message was received from the House of Representatives, by Mr. Brown their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed without amendment an engrossed bill of the Senate, to-wit:

No. 21. An engrossed bill authorizing the associate judges of Ripley county to sit and perform the duties of probate judge in certain cases therein prescribed.

Mr. Reeve presented the petition of J. W. Randall and others of Rush county praying relief, which on his motion, was

Referred to the committee on finance,

On motion of Mr. Nave,

The petition presented by him on yesterday, praying for relief by the citizens of Hendricks county, and laid upon the table,

Was taken from the same, and

Referred to the committee on finance.

Mr. Aker presented the petition of Jonathan M. Ellis and others of Randolph county praying relief,

Which on his motion, was

Referred to the committee on finance,

Mr. Eggleston presented the petition of Mr. Fred. L. Grisard, Treasurer of Switzerland county, praying relief, by extension of time, &c.,

Which on his motion, was

Referred to the committee on finance.

Mr. Berry from select committee made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Mathew McPhetridge administrator of the estate of Cornelius A. Dumaree, dec'd., have had the subject matter therein contained, under their consideration, and have directed me to report a bill in conformity with the prayer of said petitioner, and recommend its passage.

Bill No. 39—For the relief of the heirs of C. A. Dumaree, deceased,

Which was read and ordered to a second reading on to-morrow.

On motion of Mr. Baird,

The following preamble and resolution were adopted:

Whereas, the almost impassible condition of the Michigan road is such that some alteration upon the part of the legislature would seem to be necessary, were the State in a condition to do any thing:

And, whereas, the said Michigan road is a great thoroughfare, crossing the State from the South to the North, and running through as fine a country as can be found for an equal distance:

And, whereas, no road in the State would be of more general utility than said Michigan road, if properly improved:

And, whereas, said Michigan road is the only highway the people of the North have to travel to the seat of Government:

Therefore, Resolved, That a select committee of the Senators through whose districts said road runs, be appointed, and instructed to take into their earnest consideration, what may or ought to be done with said road, to place it in a comfortably travelling condition, and make report to the Senate.

Ordered, That said committee be composed of,

Messrs. Baird, Wright, Harris, Angle, West, Nickel, Morgan, Cornet and Bright.

Mr. Read offered for adoption the following resolution:

Resolved, That the committee on the State Bank be directed to report to the Senate a joint resolution making provision for the election by joint ballot of both Houses a special agent, who is not directly or indirectly indebted to any of the branches of the State Bank of Indiana, whose duty it shall be after taking an oath, faithfully to discharge his duty, and that he is neither interested in, nor prejudiced against the Bank, to proceed to the respective branches, and make full examination of their condition, noting particularly under their appropriate heads, the amount of the different funds in said branches, and report the same together with all other matter connected with the affairs of the branches, to the next General Assembly.

Mr. Gregory moved to strike out the word "direct" and insert in lieu thereof the words, "to enquire into the expediency,"

Which motion did not prevail.

Mr. Collins moved to amend the same,

By instructing the committee on the State Bank to report a joint resolution appointing therein said agent,

Which was not adopted.

On motion of Mr. Baird,

The following amendment was adopted,

"And shall also swear that he is neither interested in, nor prejudiced against the said Banks."

The question then being on the adoption of the resolution as amended;

The ayes and noes were demanded by Messrs. Herriman and Burke.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L. Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright—45.

Those who voted in the negative were,

Mr. Gregory—1.

On motion of Mr. Aker,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the fifteenth section of an act regulating the jurisdiction and duties of justices of the peace, approved, Feb. 17, 1838, so as to allow the clerks of the several circuit courts longer time to record and make out copies of the fines which may be paid in to them by justices of the peace as contemplated by said act, and report by bill or otherwise.

On motion of Mr. Elliott,

Resolved, That the committee on the State Library be instructed to enquire into the expediency of providing by law for the distribution of one copy of the laws of Congress, of each year, now in the State Library, to each of the counties of this State.

On motion of Mr. Wright,

Resolved, That the sinking fund commissioners be requested at as early a day as possible, to furnish to the Senate a list of the counties who by their commissioners at their special session in August last decided that the surplus revenue in their counties should be invested in

bank stock, under an act approved Feb. 15, 1841 in relation to surplus revenue and other funds.

On motion of Mr. Parks,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing an act, regulating the salaries of Auditor, Secretary and Treasurer of State, so far as relates to their allowance for clerk hire, approved Feb. 4, 1841.

Mr. Eggleston offered for adoption the following resolution:

Resolved, That the committee on the State Bank to which was heretofore referred a joint resolution on the subject of the resumption of specie payments by the Bank, be instructed so to amend said resolution as to require said Bank to commence redeeming her \$5 notes and under that sum, with gold and silver, on demand at the proper branch, on or before the first day of April next, the \$10 notes and under, on or before the first day of June next, and all other denominations on or before the first day of August next.

Provided, That if the Banks generally in Kentucky and Ohio, resume cash payments for their paper without discrimination, before said days respectively, then the State Bank of Indiana shall resume on all her paper, within thirty days after such resumption by Ohio and Kentucky.

Mr. Bright moved to amend as follows:

"Redeem \$5, 1st day of March; \$10, 1st of April; \$20, the 1st of June; and all bills above that denomination, after the first day of August.

Mr. Baird moved to lay said amendment on the table;

The ayes and noes being ordered by Messrs. Baird and Bright,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Burke, Carnan, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Kinzer, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sheets, Stevenson, Watts and Wright—29.

Those who voted in the negative were,

Messrs. Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Hatfield, Herriman, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill and West—18.

So said amendment was laid on the table.

Mr. Burke moved to lay the resolution on the table,

The ayes and noes being demanded by Messrs. Burke and Herriman,

Those who voted in the affirmative were,

Messrs. Aker, Baird, Burke, Cornet, Elliott, Gregory, Hoover of W., Moffatt, Morgan, Mount, Parker, Sheets, Stevenson, Watts and Wright—15.

Those who voted in the negative were,

Messrs. Angle, Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Everts, Foster, Hatfield, Herriman, Herriott, Hoover of T., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sinclear, Tannehill and West—32.

So said motion was not adopted.

Mr. Morgan moved to strike out from the enacting clause, and insert the following:

"That the committee on the State Bank, inquire into the expediency of legalizing the suspension of specie payments by the Bank, for thirty days after the Banks in Kentucky and Ohio have resumed,

Mr. West moved to lay the amendment on the table;

The ayes and noes being demanded by Messrs. Morgan and Parks.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Everts, Foster, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts and West—35.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Elliott, Gregory, Moffatt, Morgan, Mount, Parker and Wright—12.

So the amendment was laid on the table.

Mr. Collins moved to amend as follows:

"And further to provide that a scire facias shall not be ordered to issue against said Bank, until after the first day of January, 1843.

Mr. Herriman moved to lay said amendment on the table.

The ayes and noes were ordered by Messrs. Herriman and Chamberlain.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sinclear, Tannehill and West—25.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Parker, Sheets, Stevenson, Watts and Wright—22.

So it was laid on the table.

Mr. Morgan moved to amend as follows:

And to further enquire, whether if said bank is compelled to resume before the banks in the neighboring States resume;—if it is not as certain as that two and two make four, that a second suspension must take place.

Mr. Chamberlain moved to lay the same on the table.

The ayes and noes being demanded by Messrs. Chamberlain and Morgan;

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Foster, Hatfield, Herriman, Hoover of T., Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sinclear, Stevenson, Tannehill and West—29

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Moffatt, Morgan, Mount, Parker, Sheets, Watts and Wright—19.

So said motion to lay on the table prevailed.

Mr. Herriman moved to amend by striking out the words, "inquiring into the expediency," and insert the word "instructed."

Mr. Baird moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Chamberlain and Carr of J.,

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Parker, Reeve, Sheets, Stevenson, Watts and Wright—23.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill and West—24.

So the motion to lay on the table was not adopted.

Mr. Aker moved to indefinitely postpone the resolution and amendments.

The ayes and noes were demanded by Messrs. Chamberlain and Aker.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornett, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Sheets, Watts and Wright—18.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Eggleston, Foster, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sinclear, Stevenson, Tannehill and West—29.

So the motion to indefinitely postpone was not adopted.

The question then being on the amendment as proposed by Mr. Herriman,

Mr. Moffatt called for a division of the question.

The question then being on striking out,

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill and West—24.

Those who voted in the negative were,

Messrs. Aker Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Parker, Reeve, Sheets, Stevenson, Watts and Wright—23.

So the motion to strike out prevailed.

The question then being on inserting the word "instructed," in lieu of those struck out,

The ayes and noes were demanded by Messrs. Herriman and —

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Eggleston, Foster, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill and West—26.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Reeve, Sheets, Stevenson, Watts and Wright—21.

So the motion to insert was adopted.

On motion the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

And again assumed the consideration of Mr. Eggleston's resolution, pending, when the Senate adjourned.

Mr. Nave offered the following as an amendment to said resolution:

That no scire facias shall be orderd unless the several branches of the State Bank of Indiana, or any one of them, shall fail or refuse to redeem, with gold or silver, the five dollar notes by them respectively issued and put in circulation, by the first day of April next,

Which was adopted.

M. Collins moved to amend the resolution, so as to postpone the period of commencing the redemption of the \$20 notes, and those above that denomination, to the first day of January, 1843.

The ayes and noes were demanded by Messrs. Herriman and Harris.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Collins, Cornet, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Reeve, Sands, Sheets, Stevenson, Watts and West—21.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Shanks, Sinclear, Tannehil and West—27.

So the amendment was not adopted.

Mr. Baird offered the following as an amendment to the resolution.

The compulsory resumption herein contemplated, shall only be required to take place upon the ground that it is right and beneficial to the community that the bank should resume, and no wrongful, injurious, and impolitic resumption shall be required arbitrarily, at said times.

On motion of Mr. Chamberlain,

A call of the Senate was ordered.

Mr. Elliott moved that a further call of the Senate be dispensed with,

Which motion prevailed.

M. Bright moved to amend the proposed amendment as follows:

And that the President of the State Bank be, and is hereby authorised, to judge of the same, when,

On motion of Mr. Eggleston,

Said amendments were laid on the table.

Mr. Watts moved to amend the resolution as follows:

Provided, That nothing in this joint resolution shall be so construed as to make it imperative on said bank to resume, upon any notes above twenties (inclusive,) unless the banks in the States of Kentucky, Ohio and Illinois, shall resume against the time specified in this resolution for the State Bank of Indiana to resume.

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bradley, Burke, Collins, Cornet, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Reeve, Sands, Sheets, Stevenson, Watts and Wright—21.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill, and West—28.

So the amendment was not adopted.

On motion of Mr. Elliott,

The following amendment was adopted.

"Provided, however, that nothing in said resolution, shall be so construed, as to compel the banks of this State to pay specie, on any note or notes presented by the banks of Ohio, Illinois, Kentucky, or any other State, or their agent or agents, or by brokers or money dealers of any such States, until the banks of such States have resumed specie payments, and the cashier of the respective branches, shall have power to swear persons presenting such notes in order to ascertain whether or not they are agents of banks or brokers.

Mr. Bright moved to amend the amendment as follows:

And that the regular exchange committee of each branch, be, and

are hereby authorised, to decide whether the paper presented for redemption is the property of the banks of other States, or of brokers.

Which motion was adopted.

The question then being on the adoption of the resolution as amended,

The ayes and noes were ordered by Messrs. Herriman, and Chamberlain.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bradley, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts and West—38.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Burke, Cornet, Herriman, Moffatt, Morgan, Mount, Parker and Wright—11.

So the resolution as amended was adopted.

On motion of Mr. Chamberlain.

Resolved, That the State Librarian, without unnecessary delay, inform the Senate what action he has taken, in reference to the act of last session, requiring him to select from speeches made in Congress "not to exceed two copies of the leading speeches made in Congress on each side of the question, on every subject of general interest," whose speeches on each side, and on what subject they have been selected, if any.

On motion of Mr. Gregory,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law that the sureties in appeal bonds, in actions of ejectment shall be liable for *mesne profits* from the date of the appeal bond until the final determination of the cause in the supreme court in case judgment be there given against the appellant.

On motion of Mr. Burke.

Resolved, That the judiciary committee be instructed to inquire into the expediency of enacting a law making all trials had before a justice of the peace final, when tried by a jury, where the sum does not exceed — dollars.

Mr. Burke offered for adoption the following preamble and resolution:

Whereas, As for various causes not necessary to enumerate at this time, I am therefore induced to offer the following resolution.

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on——Monday in January next.

On motion of Mr. Eggleston,

Said preamble and resolution were laid on the table.

Mr. Dobson introduced

Bill No. 35, relating to the mode of doing county business in the county of Owen,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Davis introduced

Bill No. 36, to repeal an act subjecting real and personal estate to execution, approved January 25, 1841,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Angle introduced

Bill No. 37, to legalize the proceedings of Hamilton Lapham as commissioner, to survey and locate a State Road from Lebanon in Boone county to Thorntown,

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Reeve introduced

Bill No. 38, to amend an act entitled, an act to stop the per diem compensation of members of the general assembly in certain cases therein mentioned, approved December 21, 1841.

Which was read a first time and ordered to a second reading on to-morrow.

ORDERS OF THE DAY.

Joint resolution No. 7, of the House of Representatives on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois, having been read a third time, was passed.

Bill No. 1, of the House of Representatives, to repeal certain laws therein named, having been read a second time,

On motion of Mr. Eggleston,

Was referred to the committee on finance.

Bill No. 4, of the House of Representatives, in relation to the jurisdiction of justices of the peace, in Madison county, was read a second time, when,

Mr. Nave moved to amend by striking out so much as relates to publication.

Which motion prevailed,

And said bill was ordered to be engrossed and read a third time on to-morrow

Bill No. 16, to amend an act entitled "an act to incorporate the town of Greensburgh, Decatur county," approved February 4, 1837, was read a second time, ordered to be engrossed, and read a third time on to-morrow.

Bill No. 17, for the establishment of a State road in Fayette county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Bill No. 19, for the relief of certain persons therein named, was read a second time, and

On motion of Mr. Baird, amended as follows:

"In the 6th line of 1st section, add 1844 and 1845, and in 7th line of same section, strike out 1844 and 1845, and insert in lieu thereof 1845, 1846, 1847 and 1848, and in same line strike out the word two, and insert the word three."

On motion of Mr. Collins,

Referred to the committee on education.

Bill No. 20, for the relief of owners of the Wabash and Erie canal lands, was read a second time, and

On motion of Mr. Chamberlain,

Referred to the committee on canals and Internal Improvements.

Bill No. 22, to amend an act, entitled an act, to incorporate the Richmond Trading and Manufacturing company, read a second time when,

Mr. Chamberlain moved to amend by inserting after the word "printed," the words "at the expense of the company."

Which motion prevailed,

When said bill was ordered to be engrossed and read a third time on to-morrow.

Bill No. 23, to amend an act entitled an act concerning proceedings in ejectment, and for the relief of occupying claimants of land, approved January 13, 1831, was read a second time, and,

On motion of Mr. Wright,

Referred to the judiciary committee.

Bill No. 24, to amend the several laws now in force in this State, subjecting real and personal estate to execution, was read a second time, and,

On motion of Mr. Harris,

Referred to the judiciary committee.

Bill No. 25, to legalize the acts of Mason Palmer, formerly justice of the peace in Davis county, was read a second time, and,

On motion of Mr. Davis,

Referred to the judiciary committee.

Bill No. 27, to vacate an alley in the town of Lebanon, Boone county, which was read a second time, ordered to be engrossed, and read again on to-morrow.

Bill No. 28, for the relief of certain persons therein named, was read a second time, and referred,

On motion of Mr. Nave,

To the committee on education, with the following instructions by Mr. Berry:

After the word school fund, insert "so much of the surplus revenue fund as is loaned out by agents in the counties," and after the word school commissioner, insert "and surplus revenue agent."

Also, the following instructions by Mr. Chamberlain:

So that all borrowers shall be entitled to the provisions of the

law, by renewing their securities, whether the term for which the loans have been made, has expired or not.

Bill No. 29, for the relief of certain persons therein named, having been read a second time,

On motion of Mr. Wright,

It was referred to the committee on finance.

Bill No. 31, applying certain funds therein named, to purposes of education, was read a second time, ordered to be engrossed, and read a third time on to-morrow.

Bill No. 32, to repeal an act, entitled an act, incorporating the Washington county Seminary, approved February 24, 1827, was read a second time, ordered to be engrossed, and read a third time on to-morrow.

Bill No. 30, to compel speculators to pay a road tax equal to that paid by actual settlers, having been read a second time,

Mr. Sinclear moved to amend by inserting the counties of Allen, Adams, Huntington, and Wells,

Which motion was adopted, and the bill ordered to be engrossed for a second reading on to-morrow.

Bill, No. 33, to provide for changing the time of holding the probate court, in the county of Orange, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Bill, No. 34, to amend an act to revise and amend "an act incorporating congressional townships, and providing for public schools therein, which was read a second time, and

On motion of Mr. Baird,

Referred to the standing committee on education.

The President laid before the Senate, the report of the principal Engineer, relative to the extension of the Wabash and Erie canal, which,

On motion of Mr. Stevenson,

Was laid on the table, 250 copies ordered to be printed, and inserted in the documentary journal.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the Senate, to wit:

No. 21. An act authorising the associate judges of Ripley county to sit and perform the duties of probate judge, in certain cases therein prescribed, and have found the same correctly enrolled.

On motion the Senate adjourned.

FRIDAY, DEC. 17, 1841.

The Senate assembled.

The President laid before the Senate a communication from the Branch Bank of Bedford, on the subject of the debt due from the State, which,

On motion of Mr. Carr of L.,

Was referred to the standing committee on the State Bank.

The following message was received from the House of Representatives, by Mr. Brown, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

No. 11, a bill authorising the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes, now in circulation.

No. 25, an engrossed bill supplemental to an "act subjecting real and personal property to execution," approved February 4th, 1831;

In which the concurrence of the Senate is respectfully requested.

The Speaker has also signed the following enrolled bill of the Senate, to-wit:

No. 21, an "engrossed bill authorising the associate judges of Ripley county to sit and perform the duties of probate judge, in certain cases therein named."

I have been directed to bring the same to the Senate for the signature of the President thereof.

Bill No. 11 of the House of Representatives, authorising the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation, was read a first time and ordered to be read a second time on to-morrow.

Bill No. 25, of the House of Representatives, supplemental to an "act subjecting real and personal property to execution," approved February 4th, 1841, was read a first time, when

Mr. Carnan moved to suspend the rules and read the bill a second time now;

Which motion was not adopted.

It was then ordered to be engrossed and read a second time to-morrow.

The President laid before the Senate the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
December 17, 1841. }

Hon. SAMUEL HALL,

President of the Senate.

I herewith transmit the report of the Auditor of State, to be laid before the Senate.

I have the honor to be,

Most respectfully,

Your obedient servant,

SAM. BIGGER.

On motion of Mr. Morgan,

Said report was referred to the committee on finance.

Mr. Baird presented the petition of A. L. Wheeler, praying that a law may be passed so as to prohibit a stay of execution in favor of school commissioners, township treasurers and district treasurers, for public moneys in their hands; which,

On his motion,

Was referred to the committee on education.

Mr. Harris presented the petition of S. D. Gresham, praying assistance, by an extension of time for making collections, as treasurer of Carroll county; which,

On motion of Mr. Harris,

Was referred to a select committee.

Ordered, That Messrs. Harris, Gregory and Wright compose said committee.

Mr. Collins presented the petition of the President and Secretary of the Indiana Mutual Fire Insurance Company, praying an extension of their charter; which,

On his motion,

Was referred to the committee on corporations.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT—

The standing committee on finance, to whom was referred sundry matters in reference to the State Board of Equalization, and the time of payment of State and county revenue, have had the same under consideration, and have directed me to report the following bill, and recommend its speedy passage.

Bill No. 40, providing a State Board of Equalization on more economical principles, and to extend the time of payment of State and county revenue, which was read, and,

On motion of Mr. Parker,

The rules were suspended, and the bill read a second time now.

Mr. West moved to further suspend and read a third time now, when

Mr. Miller moved to recommit the bill to a select committee, with instructions to strike out the first section of the same.

The question then being on recommitting the bill with the proposed amendments,

The ayes and noes were demanded by Messrs. Miller and Herriman.

Those who voted in the affirmative were,

Messrs. Blair, Carr of Lawrence, Davis, Herriman, Miller and Moffatt—6.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Burke, Carr of Jackson, Carnan, Chamberlain, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts and West—42.

So the motion to recommit was not adopted.

Mr. Herriman moved to re-commit it to a select committee, with the following instructions:

“To strike out that part which provides for appointing a board of equalization, either by the members of the Senate and House of Representatives, or any other board whatever.

Mr. Morgan called for a division of the question,

The question then being on striking out,

The ayes and noes were demanded by Messrs. Herriman and Miller;

Those who voted in the affirmative were,

Messrs. Carr of L., Chamberlain, Davis, Foster, Harris, Herriman, Kinzer, Miller, Moffatt, Parks, Read and Sinclear—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carnan, Collins, Cornet, Dobson, Eggleston, Elliott, Everts, Gregory, Hatfield, Herriott, Hoover of T., Hoover of W., Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts, West and Wright—37.

So the motion to strike out did not prevail;

The question then being on the final passage of the bill,

The ayes and noes were demanded by Messrs. Herriman and Miller,

Those who voted in the affirmative were.

Messrs. Aker, Angle Baird, Berry, Bradley, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright—45.

Those who voted in the negative were,

Messrs. Blair, Herriman, Miller and Moffatt—4.

So the bill was passed.

Mr. Cornet from the judiciary committee made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred, Bill No. 11. of the Senate, entitled a bill to provide for the extension of the sale of real and personal property now under execution, have had the same under consideration, and in as much as the Senate has already acted on the subject embraced in the bill, deem any further legislation on the subject at present, entirely unnecessary; and have therefore directed me to report it back to the Senate, and recommend its indefinite postponement.

Which was concurred in.

Mr. Gregory from the judiciary committee, made the following report:

MR. PRESIDENT—

The standing committee on the judiciary to whom was referred a resolution of the Senate requesting an enquiry into the expediency of so amending an "act regulating the practice in chancery, approved Feb. 10, 1831," that the complainant in any bill in chancery except for discovery, may at his option waive the oath of the defendant or defendants to the answer, and that when the oath is thus waived the answer shall have no more force than the bill as evidence, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

Bill No. 41. to amend "an act regulating the practice in chancery, Approved Feb. 10, 1841,

Read a first time, and ordered to a second reading on to-morrow.

Mr. Nave from the judiciary committee made the following report:

MR. PRESIDENT—

The committee on the judiciary to which was referred two resolutions, instructing them to enquire into the expediency of repealing the 18th section of an act entitled "an act, pointing out the mode of levying taxes," (approved Feb. 12, 1841,) have according to order, had the same under consideration, and as that subject has already been acted upon by the Senate, said committee have instructed me to report said resolutions back to the senate, and ask to be discharged from the further consideration thereof,

The report was concurred in, and the committee discharged from the further consideration of the same.

Mr. Wright from the judiciary committee made the following report:

MR. PRESIDENT—

The standing committee on the judiciary to whom was referred the following resolution, have had the same under consideration, and directed me to report that it is inexpedient to legislate upon the subject,

The report was concurred in by the Senate, and further legislation upon the subject deferred.

Mr. Wright from the judiciary committee made the following report:

MR. PRESIDENT—

The standing committee on the judiciary to whom was referred the following resolution:

Resolved, That the committee on the judiciary be requested to enquire what alteration, if any, is necessary to be made in the estray law, with leave to report by bill or otherwise,

Have had the same under consideration and directed me to report that after a very careful examination of the subject so particularly referred to them, find that the only alteration in their opinion necessary to be made to the estray laws, to perfect the same is proposed in a bill of the Senate, now referred to the committee on agriculture, in which it is proposed to insert the word "cattle" after the word hog, whenever the same occurs in said act, and ask to be discharged from the further consideration of this subject,

The report was concurred in, and the committee discharged from the further consideration of the same.

Mr. Stevenson from the committee on education made the following report:

MR. PRESIDENT—

The committee on education to whom was referred a bill No. 19. for the relief of certain persons therein named, have had the same under consideration, and have directed me to report it to the Senate without amendment, and recommend its passage.

Bill No. 19. for the relief of certain persons therein named, having been read,

On motion of Mr. Dobson,

The rules were suspended, the bill considered as engrossed, read a third time, and passed.

Mr. Baird from the committee on education, made the following report:

MR. PRESIDENT—

The standing committee on education, to whom was referred a resolution of the Senate, on the subject of payment of teachers of common schools, have had the same under consideration, and directed me to report the following bill:

Bill No. 42. to amend the school law,

Which was read a first time, and,

Ordered to a second reading on to-morrow.

Mr. Stevenson from the committee on education made the following report:

MR. PRESIDENT—

The committee on education to whom was referred certain resolutions of the Wayne county education society, in relation to a general superintendent of common schools, have had the same under consideration, and are of opinion that a general superintendent of common schools would be of great importance to the cause of education. It might be made his duty to report the condition of schools generally—the condition of the school funds—the character of the teachers—but more particularly the adaptation of our present school system to the peculiar condition of the country, and make such suggestions from time, as his daily observation would suggest for its improvement. One of the greatest evils of our present school system, is its want of permanency; every one has some new plan; it is proposed and with but little consideration adopted, and scarcely any plan is tried long enough to become acquainted with it. If we should adopt the best possible system it would soon be frittered away, unless we have some head in the form of a general superintendent to guard and protect it: to whom we could look for advice and such suggestions annually as would gradually improve our plans and not destroy as is but too commonly the case with a great portion of our legislation.

Your committee regret much that they are unable to devise means at present to carry this into effect, a salary of some amount would have to be provided, and considering the great embarrassment of the State, it has reluctantly come to the conclusion that at present it is best to postpone the subject, and have so directed me to report to the Senate.

The report was concurred in,

And the further consideration of the same postponed.

Mr. Wright from the committee on education made the following report:

MR. PRESIDENT—

The standing committee on education to whom was referred the following resolutions, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

Bill No. 43. to amend an act relating to county Seminaries which was read a first time, and ordered to a second reading on to-morrow.

Resolved, That so much of the Message as relates to county seminaries be referred to the committee on education.

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law relative to county Seminaries, as to require Seminary agents, or trustees, as the case may be, to make annual reports to the legislature, showing the amount and condition of the Seminary fund in each county respectively.

Mr. Nave from the committee on the State Library made the following report:

MR. PRESIDENT—

The committee on the State Library, to which was referred so much of the Governor's Message as relates to the State Library, have accordingly to order had that subject under consideration, and have directed me to report the following bill and recommend its passage.

Bill No. 44. Supplemental to the act entitled "an act to provide for keeper of the State House and Library, approved Feb. 2, 1841, which was read and ordered to a second reading on to-morrow.

Mr. Davis, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill to define more particularly the duties of the commissioner of the three per cent. fund in Daviess county, have had the same under consideration, and have instructed me to report back the bill with the following amendment: In the first section of the bill, where it reads, "at their May term in each and every year," amend by inserting, "at their May or succeeding term in each and every year," and recommend its passage.

Bill No. 26, to define more particularly the duties of the commissioners of the three per cent. fund in Daviess county,

Which was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Shanks,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of so amending the 81st section of the act regulating the jurisdiction of justices of the peace, approved February 17th, 1838, so that whenever judgment shall be rendered by the circuit court against the principal, on an appeal from the judgment of the justice, it shall at the same time in like manner be entered against the security in the appeal bond—to report by bill or otherwise.

On motion of Mr. Hoover of W.,

Resolved, That a select committee be appointed to inquire into the expediency of repealing so much of the revenue law as authorises the assessment and collection of taxes on school and canal lands, which were sold under a law exempting them from taxation until they were paid.

Ordered, That Messrs. Hoover of W., Stevenson and Bradley compose said committee.

On motion of Mr. Chamberlain,

Resolved, That his Excellency, Samuel Bigger, be requested to inform the Senate what progress he has made in the revision of the laws of this State, and the probable time when the revision will be completed.

ORDERS OF THE DAY.

Bill No. 4, of the House of Representatives, in relation to the jurisdiction of justices of the peace in Madison county, was read a third time, and,

On motion of Mr. Herriman,

Laid on the table.

Bill No. 16, to amend an act entitled "an act to incorporate the town of Greensburg, in Decatur county,

Was read a third time and passed.

Bill No. 17, for the establishment of a State road in Fayette county,

Was read a third time and passed.

Bill No. 22, to amend the act entitled "an act to incorporate the Richmond Trading and Manufacturing Company,

Was read a third time, and,

On motion of Mr. Watts,

Referred to the standing committee on corporations, with instructions to inquire into the constitutionality of its provisions.

Bill No. 27, to vacate an alley in the town of Lebanon, Boone county,

Was read a third time and passed.

Bill No. 30, to compel speculators to pay a road tax equal to that paid by actual settlers,

Was read a third time and passed.

Bill No. 31, applying certain funds therein named, to purposes of education, was read a third time, and,

On motion of Mr. Nave,

Referred to a select committee, with the following instructions by Mr. Angle: "Strike out \$10, and insert in lieu thereof the words 'not exceeding \$200.'"

Ordered, That Messrs. Nave, Parker and Baird compose said committee.

Bill No. 32, to repeal an act entitled "an act incorporating the Washington County Seminary," approved January 24, 1827,

Was read a third time and passed.

Bill No. 33, to provide for changing the time of holding the probate courts in the county of Orange,

Was read a third time and passed.

Bill No. 35, to amend an act regulating the mode of doing county business in the several counties of this State,

Approved February 15th, 1841,

Was read a second time, and,

On motion of Mr. Dobson,

The rules were suspended,

The bill considered as engrossed,

Read a third time, and passed.

Bill No. 36, to repeal an act, subjecting real and personal estate to execution,

Approved Jan. 25th, 1841,

Was read a second time, and,

On motion of Mr. Angle,

Referred to the judiciary committee.

Bill No. 37, to legalize the proceedings of Hamilton Lapham as commissioner to survey and locate a State road, from Lebanon in Boone county, to Thorntown,

Was read a second time, and,

Ordered to be engrossed for a third reading on to-morrow.

Bill No. 38, to amend an act, entitled "an act to stop the per diem compensation of members of the General Assembly, in certain cases therein mentioned;"

Approved Dec. 21, 1841,

Was read a second time, and,

On motion of Mr. Nave,

Laid on the table.

Bill No. 39, for the relief of the heirs of C. A. Dumaree, deceased,

Was read a second time, and,

Ordered to be engrossed for a third reading on to-morrow.

On motion the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

Mr. Collins offered the following resolution,
Which was adopted.

Resolved, That the board of Internal Improvement, be requested to communicate to the Senate what contracts, if any, have been let since the last session of the legislature on any of the public works, except the Wabash and Erie canal, and if any have been let, to furnish the Senate with a detailed statement thereof, the names of the contractors, the terms, the price agreed to be paid, and how the payments were, or are to be made, and whether any work has been done on such public works that has not been paid for, and if any, what, and to what amount.

On motion of Mr. Harris,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act providing for a more uniform mode of doing township business, in the several counties therein named,

Approved Feb. 17, 1838,

That any person feeling himself aggrieved by the decision of the township trustees, may have the right to appeal from such decision to the circuit court of the proper county.

On motion of Mr. Stevenson,

Resolved, That the committee on canals and Internal Improvements, be instructed to enquire into the expediency of discontinuing repairs on the suspended works and report by bill or otherwise.

Mr. Harris from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature, the following enrolled bill of the Senate, to-wit:

No. 21. An act authorizing the associate judges of Ripley county to sit, and perform the duties of probate judge, in certain cases therein prescribed.

The following message was received from his Excellency the Governor, by his private Secretary Mr. Kiersted:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed,

Bill No. 21. An act authorizing the associate judges of the county of Ripley, to sit and perform the duties of probate judge, in certain cases therein prescribed.

Which originated in the Senate.

On motion the Senate adjourned.

SATURDAY, DECEMBER 18, 1841.

The Senate assembled.

The President laid before the Senate the following message from His Excellency, the Governor, which,

On motion of Mr. Morgan,

Was referred to the judiciary committee:

EXECUTIVE CHAMBER,
December 17, 1841, }

HON. SAMUEL HALL:

President of the Senate,

I have just received a resolution of the Senate, requesting information, as to what progress has been made in the revision of the laws of this State, and the probable time when the revision will be completed.

In reply I have to state that I find the undertaking most arduous and difficult. There are three prominent defects in the statutes. It is found that provisions, respecting the same subject matter, are frequently placed in different acts. Single sections often contain entirely different matters, and are so long and intricate as to be almost unintelligible. Glaring defects, omissions and contradictions are found to exist, when we bring all the enactments on the same subject together. The course I have marked out for myself in this revision, is to place together under the same title, all matters touching the same subject, and nothing more; each provision following in a regular connection, and throwing into each section one substantive proposition. By doing this, omissions and contradictions can be much more readily discovered by the reviser, or by the legislature, and the whole law relating to the same subject will be much more easily ascertained and understood. To effect this object, however, is a work of much labor. I have been engaged during the past season in collecting the different enactments relative to the same general subjects—making memoran-

dums respecting the arrangement of these subjects, under their appropriate heads—the defects to be remedied—the additional provisions necessary, and in making rough drafts of a revision. It will be perceived that the plan which I have marked out will require the whole of the revision to be written out by myself, at full length, with an amount of labor, almost if not altogether, equal to the labor of composing an entirely new set of statutes. The final copying of the whole to be laid before the legislature, will of itself, be a heavy task, and as no provision has been made for employing assistance to perform this part of the labor, it will of itself occasion considerable delay in preparing the whole for the action of the legislature. I should be much gratified if the legislature would associate assistance with me in this work, so as to facilitate, and at the same time perfect the object had in view by this revision. It will be my aim to have the revision ready, if possible, by the next meeting of the legislature.

I may here remark that I shall not propose amendments which will change any of the leading principles upon which our present system of jurisprudence rests. The same general features will be preserved, proposing such additional amendments as are obviously necessary. The clerk of the House of Representatives, is in possession of several sheets of a rough draft, showing the general manner in which the revision will be conducted.

I have the honor to be, most respectfully,

Your obedient servant,

SAM. BIGGER.

The President laid before the Senate the following communication from the President of the Sinking Fund:

TO THE SENATE:—

In answer to your resolution of the 16th inst. requesting “the sinking fund commissioners to furnish a list of the counties who, by their commissioners, at their special session in August last, decided that the surplus revenue in their counties, should be invested in bank stock, &c.” I have the honor to state that there are no means in this office by which such a list can be made out. My impression is that very few counties have decided in favor of making bank stock of their surplus revenue, yet some have done so, as I understood at the Richmond and Michigan City branches, but the particular counties I cannot name. None of the money is yet paid over.

I have the honor to be, &c.,

S. MERRILL.

Office of Sinking Fund Commissioners,
Dec. 18, 1841.

The President laid before the Senate the following communication from the State Librarian:

STATE LIBRARY,
December 17, 1841.

HON. SAMUEL HALL,

President of the Senate:

Sir:—I have just received a resolution of the Senate, requesting information from the Librarian as to what speeches, being two on each side of the question, of members of Congress, he has selected, &c., under the 13th section of the law of last winter, concerning the State Library, in reply to which I have the honor to state, that for the purpose of complying with that law I addressed letters to three of our members in Congress, asking of them the favor to furnish me with pamphlet copies of such speeches, but for some reason, of which I know nothing, I have not received a single speech of the kind required.

Respectfully submitted,

JNO. COOK, *State Librarian.*

Which was read, and,

On motion of Mr. Angle,

Referred to the committee on federal relations.

The following message was received from the House of Representatives, by Mr. Gorman, a member:

MR. PRESIDENT:—

I am directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof, as follows: “No. 42. A bill to abolish imprisonment for debt.”

In which I am directed to ask, respectfully, the concurrence of the Senate.

Bill No. 42, of the House of Representatives, to abolish imprisonment for debt, having been read a first time, when,

Mr. Herriman moved to suspend the rules, and read the bill a second time now,

Which motion was not adopted.

The bill was then ordered to a second reading on Monday.

The following message was received from the House of Representatives by Mr. Brown, their clerk.

MR. PRESIDENT:—

I am directed by the House of Representatives to inform the Senate, that the House have passed engrossed bills thereof, as follows.

No. 7. An engrossed bill to extend the time of holding probate courts in Knox county.

No. 16. An engrossed bill to amend "an act regulating the times of holding the courts in the second judicial circuit of this State."

No. 18. An engrossed bill to regulate the jurisdiction of justices of the peace in Green county.

No. 20. An engrossed bill to legalize the election of the probate judge of La Porte county, and for other purposes.

No. 21. An engrossed bill to regulate the jurisdiction of justices of the peace in Hamilton county.

No. 25. An engrossed bill to repeal an act entitled an act to incorporate the town of Princeton.

No. 26. An engrossed bill to incorporate the Greenville band of musicians.

No. 31. An engrossed bill regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo.

No. 43. An engrossed bill for the relief of Pliny Hudson.

No. 45. An engrossed bill to provide for the collection of the State and county revenue of Vanderburgh county for the year 1841.

Also the following joint resolution of the Senate:

No. 8. A joint resolution on the subject of the location of an armory in the west, with one amendment.

The House have passed the following engrossed bill of the House, to wit:

No. 67. An engrossed bill to authorize a special session of the Marion circuit court,

In which I am directed respectfully to ask the concurrence of the Senate.

Bills No. 7, 16, 18, 20, 21, 25, 26 and 31, of the House of Representatives, were read a first time and ordered to a second reading on Monday next.

Bill No. 43. of the House of Representatives, was read a first time, when,

Mr. Everts moved to suspend the rules and read a second time now,

Which motion did not prevail.

The bill was then ordered to a second reading on Monday next.

Bill No. 45, of the House of Representatives, was read a first time, and,

On motion of Mr. Baird,

The rules were dispensed with, and the bill read a second time, when,

On motion of Mr. Parker,

It was referred to the committee on finance.

On motion of Mr. Baird,

The committee were instructed to inquire into the propriety of embracing within said bill, other delinquent counties.

Joint resolution No 8, of the Senate, was read as amended, when,

Mr. Dobson moved to amend the amendment as follows: "And particularly the great falls of Eel river in Owen county.

Which motion was not adopted.

On motion of Mr. Miller,

The joint resolution as amended was then concurred in.

Bill No. 67, of the House of Representatives, was read a first time, and,

On Motion of Mr. West,

The rules were suspended and the bill read a second and third time, and passed.

Mr. Chamberlain, of the judiciary committee, made the following report.

MR. PRESIDENT:—

The judiciary committee to whom was referred "a bill to reduce the fees and salaries of all officers in the State of Indiana, and also the wages and allowance for mileage of members of the legislature," have had that subject under consideration, and a majority of the committee have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Mr. Stevenson moved to refer said bill to a select committee.

Mr. Read moved the following instructions, viz:

The wages of the members of the legislature shall be as follows, to wit:

Three dollars per diem for the first thirty days, and one dollar and fifty cents for the remaining part of the session.

Mr. Stevenson called for a division of the question on referring to said committee.

The ayes and noes were demanded by Messrs. Stevenson and Angle.

Those who voted in the affirmative were,

Messrs. Baird Berry, Blair, Bradley, Bright, Burke, Carr of L., Cornet, Davis, Eggleston, Harris, Hatfield, Miller, Morgan, Mount, Nave, Parks, Read, Reeve, Sands, Shanks, Sheets, Stevenson and West—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Carr of J., Carnan, Chamberlain, Collins, Dobson, Elliott, Everts, Foster, Gregory, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Moffatt, Nickel, Parker, Pitcher, Roberts, Sinclear, Tannehill, Watts and Wright—24.

The President giving the casting vote in the affirmative.

The motion to refer was adopted.

The question then being on instructing the committee, as proposed by Mr. Read,

A division of the question being called for by Mr. Carr of L., it was decided in the negative, and the committee accordingly not instructed.

Ordered, That Messrs. Stevenson, West and Eggleston compose said committee.

Mr. Elliott from the committee on the State Library, made the following report:

MR. PRESIDENT—

The committee on the State Library to which was referred a resolution requiring them to enquire into the expediency of providing by law for the distribution of the laws of Congress, now in the State Library, to the several counties of this State, have had the same under consideration, and instructed me to report a bill.

No. 45. A bill to provide for the distribution of the laws of Congress to the several counties in this State,

Which was read a first time, and,

Ordered to a second reading on Monday next.

Mr. Collins from the committee on the State Bank, made the following report:

MR. PRESIDENT—

The committee on the State Bank to which was referred, "joint resolutions of the Senate No. 2," entitled joint resolutions on the subject of a resumption of specie payments; and a resolution of the Senate directing them to amend said joint resolution, have according to order had the subject under consideration, and have directed me to report said joint resolution, and resolution back to the Senate with an amendment to said joint resolution, which is to strike it out from the enacting clause, and insert the accompanying joint resolutions, which embrace the original resolutions as amended by the committee, and the amendments ordered by the Senate, and to recommend the passage of the substitute herewith reported.

Joint resolution No. 2, on the subject of a resumption of specie payment,

Was read, when,

Mr. Watts moved to concur in the report with an amendment by striking out so much as provides for the payment of interest on the treasury notes proposed to be issued;

Which motion did not prevail.

Mr. Collins moved to fill the first blank with the word "six."

Mr. Pitcher moved to recommit the joint resolution to the committee on the judiciary with the following instructions:

Strike out that part [which provides for the payment of the Bank debt in treasury notes, and insert a provision, that the debt shall be paid by a transfer to the Bank of a sufficient portion of the State stock in said Bank at par, to pay the debt, on such terms as will save the State from loss.

On motion the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Parker,
The rules were suspended, and leave granted him to offer the following resolution:

Whereas it is understood to be a question of doubt with the State Printer and Secretary of State, whether or not, the Governor's message should be incorporated as heretofore in the journal of the Senate;

Therefore, Resolved, That it is the sense of this Senate, that the Governor's message should be printed and inserted in the proper place in the journal of the Senate,

Which was adopted.

The Senate resumed the consideration of the amendment of Mr. Pitcher, pending on adjournment,

Which was discussed at considerable length, when,

On motion the Senate adjourned.

MONDAY DEC. 20, 1841.

The Senate assembled.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed joint resolution of the Senate, to-wit:

No. 8. A joint resolution on the subject of the location of an armory in the West:

And the following enrolled with the engrossed bill of the House of Representatives, to-wit:

No. 67. An act to authorize a special session of the Marion circuit court,

And have found the same correctly enrolled.

The following Message was received from the House of Representatives, by Mr. Brown their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate that the House has passed engrossed bills thereof as follows:

No. 9. An engrossed bill to incorporate the first Presbyterian Church of Logansport;

No. 29. An engrossed bill to revive and amend an act therein named;

In which I am directed to ask the concurrence of the Senate.

The House has also passed, without amendment, an engrossed bill of the Senate, as follows:

No. 17. An engrossed bill for the establishment of a State Road in Fayette county.

Bill No. 9. Of the House, to incorporate the first Presbyterian Church of Logansport,

Was read a first time, when,

Mr. Wright moved to suspend the rules and read the bill a second time now,

Which motion was not adopted,

And said bill was ordered to a second reading on to-morrow.

Bill No. 29—to revive and amend an act therein named, was read a first time, and ordered to a second reading on to-morrow.

Mr. Blair presented a memorial from a meeting of the citizens of Vermillion county on the subject of relief,

Which was read, and,

On his motion,

Referred to the committee on the judiciary.

Mr. Blair presented the petition of J. Ragan, Wm. Kile and others, citizens of Vermillion county, praying for relief,

Which was read, and,

On his motion,

Referred to the committee on finance.

Mr. Aker presented the petition of John Moyer and others, citizens of Randolph county praying for relief, which,

On his motion,

Was referred to the committee on finance.

Mr. Stevenson from the committee on education made the following report:

MR. PRESIDENT:

The committee on education to whom was referred a bill No. 28., for the relief of certain persons therein named, have had the same under consideration, and have directed me to report the following as a substitute, and recommend its passage:

No. 28. A bill for the relief of the borrowers of school and surplus revenue funds.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana; That the borrowers of the school fund from the several school commissioners in this State, and the borrowers of so much of the surplus revenue, as is loaned by the surplus revenue agents of the several counties except such counties as have invested their surplus revenue in bank stock, shall be allowed if they require it, an additional time upon their respective loans of three years by a proper renewal of their bonds and mortgages as now required by law, provided the interests of the State be not affected by any subsequent law. This act to take effect and be in force from and after its passage.

Mr. Herriman moved to amend the amendment as follow, "excepting so much of the surplus revenue as the county of DeKalb is entitled to,"

Which motion was adopted.

Mr. Herriman moved to further amend by striking out the words "three years" and insert in lieu thereof the words "one year."

Mr. Dobson called for a division of the question,

The question then being on striking out the words "three years,"

It was decided in the negative;

So the motion to strike out failed.

Mr. Moffatt moved to amend as follows:

By inserting that hereafter said funds, shall not draw more than 6 per centum per annum, payable in advance;

The question being on its adoption,

The ayes and noes were demanded by Messrs. Gregory and Stevenson.

Those who voted in the affirmative were,

Messrs. Angle, Baird, Burke, Moffatt, Morgan, Nave, Parks, Pitcher and Tannehill—9.

Those who voted in the negative were,

Messrs. Aker, Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Mount, Nickel, Parker, Read, Reeve, Sands, Shanks, Sheets, Sinclear, Stevenson, Watts, West and Wright—39.

So the amendment was not adopted;

The question then recurring on the amendment, as proposed by the committee,

It was decided in the affirmative,

And the bill ordered to be engrossed and read a third time on to-morrow.

The Senate again resumed the consideration of the amendment, proposed by Mr. Pitcher to the joint resolution, authorizing a resumption of specie payments, pending when the Senate adjourned on Saturday last.

Mr. Pitcher called for a division of the question;

The question then being on striking out,

The ayes and noes were ordered by Messrs. Chamberlain and West.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Burke, Cornet, Eggleston, Elliott, Moffatt, Morgan, Mount, Nave, Pitcher, Sheets, Watts and West—15.

Those who voted in the negative were,

Messrs. Angle, Berry, Bradley, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Hoover, W., Kinzer, Miller, Nickel, Parker, Parks, Read, Reeve, Roberts, Sands, Sinclear, Shanks, Stevenson and Tannehill—34.

So the motion to Strike out did not prevail.

The question then being on filling the first blank in the bill, with the word "six;"

The ayes and noes were demanded by Messrs. Watts and Carr of L.

Those who voted in the affirmative were,

Messrs. Carnan, Collins, Hoover of T., Sinclear and Wright—5.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Chamberlain, Cornet, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and West—44.

So the motion to insert failed;

The question then being on filling the blank with the word "five."

The ayes and noes were demanded by Messrs. Chamberlain and Moffatt.

Those who voted in the affirmative were,

Messrs. Bradley, Carr of J., Carnan, Chamberlain, Collins, Dobson, Everts, Herriman, Herriott, Hoover of T., Kinzer, Sands, Sinclear, West and Wright—15.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bright, Burke, Carr of L., Cornet, Davis, Eggleston, Elliott, Foster, Gregory, Harris, Hatfield, Hoover of W., Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sheets, Stevenson, Tannehill and Watts—34.

So the motion to fill the blank with "five" failed.

Mr. Dobson moved to reconsider the vote on filling the blank with the word "six,"

Which motion was not adopted.

Mr. Bright moved to reconsider the vote on filling the blank with the word "five;"

The ayes and noes being demanded by Messrs. Chamberlain and Moffatt.

Those who voted in the affirmative were,

Messrs. Berry, Bradley, Bright, Carr of J., Carnan, Chamberlain, Collins, Dobson, Everts, Foster, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Read, Sands, Sinclear, West and Wright—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Carr of L., Cornet, Davis, Eggleston, Elliott, Gregory, Harris, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Reeve, Roberts, Shanks, Sheets, Stevenson, Tannehill and Watts—27.

So the motion to reconsider failed.

On motion of Mr. Carr of L.,

The rules were suspended, and leave granted him to introduce the following resolution:

Resolved, That the use of the Senate chamber be tendered on this and to-morrow evening at half past six o'clock to Dr. H. T. N. Benedict, for the purpose of delivering lectures on the science of english grammar and common school education;

Which was not adopted.

On motion the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

The Senate resumed the consideration of the question pending on adjournment, it being the insertion of the word "four," in the blank contained in the joint resolution, directing a resumption of specie payments.

The question being on inserting the word "four:"

The ayes and noes were demanded by Messrs. Moffatt and Parks.

Those who voted in the affirmative were,

Messrs. Angle, Bradley, Foster, Herriman, Hoover of T., Kinzer and Sinclear—7.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Blair, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornet, Davis, Dobson, Eggleston, Elliott, Everts, Gregory, Harris, Hatfield, Herriott, Hoover of W., Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Reeve, Roberts, Shanks, Stevenson, Tannehill, Watts, West and Wright—39.

So the motion to insert was not adopted.

Mr. Parker moved to amend the amendment as follows:

And said "Treasury notes" are hereby made receivable for taxes and all other State dues, and when received at the treasury, at any time before the same shall be due, they may be re-issued.

The question being on its adoption,

The ayes and noes were ordered by Messrs. Moffatt and Harris.

Those who voted in the affirmative were:

Messrs. Aker, Angle, Bradley, Bright, Burke, Carr of J., Carnan, Chamberlain, Collins, Davis, Elliott, Everts, Foster, Gregory, Herriman, Herriott, Hoover of T., Hoover of W., Mount, Parker, Parks, Reeve, Roberts, Shanks, Sinclear, Stevenson and Tannehill—27.

Those who voted in the negative were:

Messrs. Baird, Berry, Blair, Carr of L., Cornet, Dobson, Eggleston, Harris, Hatfield, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Pitcher, Watts, West and Wright—19.

So the amendment was adopted.

Mr. Elliott, moved to amend by striking out of the seventeenth line of the 4th resolution, the following words, to-wit: "In lending said notes,"

The question being on its adoption;

The ayes and noes were demanded by Messrs. Moffatt and Collins.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Mount, Nave, Nickel, Parker, Parks, Reeve, Roberts, Shanks, Sinclear, Stevenson, Tannehill, Watts and West—34.

Those who voted in the negative were,

Messrs. Baird, Blair, Bladley, Burke, Carnan, Collins, Cornet, Hoover of T., Moffatt, Morgan, Pitcher and Wright—12.

So the amendment was adopted.

Mr. Watts moved to amend, by excepting after the words "public dues," the words "school, college and seminary funds of this State."

On motion the Senate adjourned.

TUESDAY MORNING DEC. 21, 1841.

The Senate assembled,

And resumed the consideration of Mr. Watts amendment, to the "joint resolution authorizing a resumption of specie payments," pending on adjournment;

The question being on its adoption;

The ayes and noes were demanded by Messrs. Harris and Aker.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Bradley, Bright, Cornet, Dobson, Eggleston, Harris, Hatfield, Hoover of T., Hoover of W., Kinzer, Miller, Moffatt, Nave, Nickel, Pitcher Sands, Watts, West and Wright—21.

Those who voted in the negative were,

Messrs. Aker, Carr of J., Carr of L., Carnan, Collins, Chamberlain, Davis, Elliott, Everts, Foster, Gregory, Herriman, Herriott, Morgan, Mount, Parker, Parks, Read, Reeve, Roberts, Shanks, Sinclear, Stevenson and Tannehill—24.

So the amendment was not adopted.

Mr. Nave moved to amend the amendment by inserting the following in its proper place:

"And when re-issued, they shall be redeemable by the Branch re-issuing the same upon presentation, with gold or silver;

The question being on its adoption,

The ayes and noes were demanded by Messrs. Nave and Parks.

Those who voted in the affirmative were,

Messrs. Cornet, Harris, Kinzer, Moffatt, Nave, Pitcher and Wright—7.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Bradley, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Miller, Morgan, Mount, Nickel, Parker, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Watts and West—38.

So the motion to amend was not adopted.

Mr. Carnan moved to amend the amendment, as follows:

That said notes no matter by what branch issued, shall be receivable at the different branches, in payment and renewal of any note upon which treasury notes were loaned, and that after the first day of Jan. A. D. 1843, shall be receivable at the different branches of the State Bank for all dues of said branches.

Provided nothing herein contained shall deprive any branch of the power by special contract of making any note or bill of exchange payable in other funds than such treasury notes,

The question being on its adoption;

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Carnan, Cornet, Collins, Davis, Eggleston, Elliott, Everts, Gregory, Herriott, Moffatt, Morgan, Mount, Nave, Parker, Reed, Reeve, Sands, Sheets, Stevenson, Watts and Wright—25.

Those who voted in the negative were,

Messrs. Angle, Berry, Burke, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Pitcher, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—25.

The President giving the casting vote in the affirmative, the amendment was adopted.

Mr. Aker moved to amend the amendment as follows:

"Or by any other person who may have purchased of any such note or notes for the purpose and with the intent to sell the specie received therefrom to any other Bank, broker or money-dealer."

The question being on its adoption,

The ayes and noes were ordered by Messrs. Chamberlain and Aker,

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Sands, Sheets, Stevenson, Walpole, Watts and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sinclear, Tannehill and West—24.

So the amendment was adopted.

On motion of Mr. Harris,

The following amendment was adopted:

Strike out the words at the end of the second section,

"Provided, That no *scire facias* shall be ordered unless the several branches of the State Bank of Indiana, or any of them, shall fail or refuse to redeem with gold or silver the five dollar notes by them respectively issued and put in circulation, by the first day of April next."

On motion of Mr. Carnan,

The second blank in said joint resolution was filled with the word "three."

Mr. Baird moved to amend the amendment as follows:

"Whenever any considerable amount, \$1,000 or upwards, of the bills of any of the branches shall be presented for redemption the proper board of exchange shall decide as to the propriety of such redemption, if the Banks of Ohio, Kentucky and Illinois have not resumed."

Mr. Chamberlain moved the previous question.

The question being on seconding the call,

The ayes and noes were demanded by Messrs. Chamberlain and Nave;

Those who voted in the affirmative were,

Messrs. Aker, Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Davis, Dobson, Elliott, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Wayne, Kinzer, Miller, Mount, Nickel, Parker, Parks, Read, Reeve, Roberts, Shanks, Sinclear, Stevenson, Tannehill and West—31.

Those who voted in the negative were,

Messrs. Angle, Baird, Blair, Bradley, Burke, Cornett, Eggleston, Everts, Herriman, Hoover of T., Moffatt, Morgan, Nave, Pitcher, Sands, Sheets, Walpole, Watts and Wright—19.

So the call for the previous question was sustained.

The President then put the question, Shall the main question be now taken?

Which was decided in the affirmative.

The question then recurring on the adoption of the report as amended.

The ayes and noes were demanded by Messrs. Chamberlain and Moffatt,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Mount, Nickel, Parker, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill and West—35.

Those who voted in the negative were,

Messrs. Baird, Burke, Cornett, Eggleston, Herriman, Miller, Moffatt, Morgan, Nave, Pitcher, Sheets, Walpole, Watts and Wright—15.

So the report, as amended, was adopted.

The question then being on the engrossment of the bill for a third reading on to-morrow,

Mr. Herriman moved to amend by striking out the words "money dealers."

The ayes and noes were demanded by Messrs. Stevenson and Gregory,

Those who voted in the affirmative were,

Messrs. Chamberlain, Dobson, Foster, Harris, Hatfield, Herriman, Miller, Nickel, Sinclear, Walpole and West—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair Bradley, Bright, Burke, Carr of Jackson, Carr of L., Carnan, Collins, Cornett, Davis, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Morgan, Mount, Nave, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright—39.

So the amendment was not adopted.

Mr. Nave moved to amend the bill by striking out all that part which provides for an issue of Treasury Notes in payment of the debt due from the State to the State Bank.

The ayes and noes being demanded by Messrs. Gregory and Parks,

Those who voted in the affirmative were,

Messrs. Baird, Blair, Cornett, Eggleston, Harris, Moffatt, Morgan, Nave, Nickel, Pitcher, Read, Walpole, Watts and Wright—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Foster, Gregory, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Parker, Parks, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill and West—36.

So the amendment was not adopted.

Mr. Chamberlain moved to suspend the rules and read the bill a third time now.

The ayes and noes being demanded by Messrs. Baird and Parks,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Davis, Dobson, Elliott, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Read, Roberts, Sands, Shanks, Sinclear, Tannehill and West—30.

Those who voted in the negative were,

Messrs. Baird, Blair, Burke, Collins, Cornett, Eggleston, Everts, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sheets, Stevenson, Walpole, Watts and Wright—20.

So the motion to suspend was adopted.

Mr. Moffatt appealed from the decision of the chair, Mr. Elliott occupying the same;

The chair having decided that it did not require a vote of two-thirds to suspend the order of business for the purpose of reading a bill a third time, it not having been read before on the same day.

The question being, Will the Senate sustain the decision of the chair,

The ayes and noes were ordered by Messrs. Moffatt and Walpole;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Tannehill, Watts, West and Wright—41.

Those who voted in the negative were,

Messrs. Blair, Cornett, Herriman, Moffatt, Morgan, Sheets, Stevenson and Walpole—8.

So the decision of the chair was sustained.

The chair then put the question, Shall the bill, as amended, pass?

The ayes and noes were demanded by Messrs. Baird and Read:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Miller, Parker, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill and West—34.

Those who voted in the negative were,

Messrs. Baird, Blair, Burke, Cornett, Eggleston, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Pitcher, Sheets, Walpole, Watts and Wright—15.

So the bill was passed.

On motion of Mr. Blair,

The title of the bill was so amended as to read as follows:

"A joint resolution on the subject of a resumption of specie payments, and other purposes."

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Berry, from [a] select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Edward Boarland and others, citizens of the reserved Seminary township of land in Monroe county, asking an extension of time for the final payment of the purchase money thereon, have had that subject under consideration and have directed me to report the following bill, and recommend its passage:

Bill No. 45, for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe.

Read a first time and ordered to a second reading on to-morrow.

Mr. Stevenson, from [a] select committee, made the following report:

MR. PRESIDENT:

The select committee (a majority) to whom was referred a bill No. 6, to reduce the fees and salaries of all officers in the State of Indiana, and also the wages and allowance for mileage of members of the Legislature, have according to order had the same under consideration, and have agreed to reduce the salaries of the following officers as follows: the Governor three hundred dollars; the Judges of the Supreme Court, three hundred dollars each; the Presidents of circuit courts, two hundred each; Secretary of State, two hundred dollars; Treasurer of State, two hundred dollars; Auditor of State, two hundred dollars; and members of the Legislature, one dollar a day each. Supposing the Legislature to sit about three months, this would make a reduction of the annual expenditures of the State of about seventeen thousand seven hundred dollars; and in accordance with these views the following amendment is reported:

Strike out from the bill its enacting clause and insert the following:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the following officers of State be and they are hereby allowed annually the following salaries, to-wit: The Governor, twelve hundred dollars; the Judges of the Supreme Court, twelve hundred dollars each; the President Judges of the Circuit Courts, eight hundred dollars each; the Secretary of State, six hundred dollars; the Treasurer of State, eight hundred dollars; the Auditor of Public Accounts, eight hundred dollars; and members of the General Assembly, two dollars per day each during their attendance on the same, and three dollars for every twenty-five miles they shall severally travel, on the most usual road, in going to and returning from the General Assembly. In

all other respects the salaries of the officers above named shall be governed by the laws now in force.

SEC. 2. This act shall not be so construed as to reduce any salaries contrary to the provisions of the Constitution. This act to be in force from and after its passage.

Mr. West, from the minority of said committee, made the following report :

The undersigned disagrees to all that relates to the reduction of pay of the judiciary.

NATH'L. WEST.

The question then being on the adoption of the report of the majority of said committee.

Mr. Elliott moved to strike out in that part which relates to the pay of members of the Legislature two dollars and insert in lieu thereof one dollar.

The ayes and noes being demanded by Messrs. Parker and Gregory,

Those who voted in the affirmative were,

Messrs. Angle, Aker, Baird, Blair, Bright, Burke, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Morgan, Nave, Parker, Sands, Shanks, Walpole and Wright—25.

Those who voted in the negative were,

Messrs. Berry, Bradley, Carr of Jackson, Davis, Eggleston, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Nickel, Parks, Read, Reeve, Roberts, Sheets, Stevenson, Tannehill, Watts and West—21.

So the amendment was adopted.

Mr. Harris moved to strike out of said report so much as relates to the reduction of salaries of supreme and circuit judges.

The ayes and noes were ordered by Messrs. Stevenson and Parks.

Those who voted in the affirmative were,

Messrs. Blair, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Dobson, Elliott, Foster, Gregory, Harris, Hatfield, Morgan, Parker, Pitcher, West and Wright—17.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Burke, Chamberlain, Cornett, Davis, Eggleston, Everts, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Nave, Nickel, Parks, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Walpole and Watts—31.

So the motion to strike out was not adopted.

Mr. Sands moved to amend by adding in its proper place, that probate judges be allowed two dollars per day for each day they are necessarily employed in the discharge of their official duties ;

Which was adopted.

Mr. Morgan moved to amend the amendment by adding to the same the words, "and associate judges ;"

Which was adopted.

Mr. Nave moved to amend as follows :

"And county commissioners to one dollar per day each ;"

Which was adopted.

Mr. Chamberlain moved to amend as follows :

For the per diem allowance of members of the Legislature, strike out "one dollar" and insert "fifty cents" in lieu thereof.

The ayes and noes were demanded by Messrs. Stevenson and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bright, Burke, Carr of Lawrence, Carnan, Chamberlain, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Moffatt, Parker, Pitcher, Roberts, Sands, West and Wright—24.

Those who voted in the negative were,

Messrs. Berry, Bradley, Carr of Jackson, Collins, Cornett, Davis, Eggleston, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nave, Nickel, Parks, Read, Reeve, Shanks, Sheets, Stevenson, Tannehill, Walpole and Watts—25.

So the amendment was not adopted.

On motion of Mr. Collins,

The following amendment was adopted :

"Including the members of the present General Assembly."

Mr. Gregory moved to lay the amendment as amended on the table.

The ayes and noes were demanded by Messrs. Eggleston and Walpole.

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bradley, Bright, Burke, Carr of Jackson, Carnan, Chamberlain, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Parker, Roberts, Shanks and Tannehill—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Carr of Lawrence, Collins, Cornett, Dobson, Eggleston, Harris, Herriman, Herriott, Miller, Morgan, Mount,

Nave, Nickel, Parks, Pitcher, Read, Reeve, Sands, Sheets, Stevenson, Walpole, Watts, West and Wright—27.

So the motion to lay on the table failed.

Mr. Chamberlain moved to refer the amendment as amended to the committee of the whole Senate and make the same the order of the day for Monday next.

The ayes and noes were demanded by Messrs. Eggleston and Stevenson.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Blair, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Kinzer, Moffatt, Mount, Parker, Pitcher, Read, Reeve, Roberts, Sands, Sheets, Tannehill and Wright—30

Those who voted in the negative were,

Messrs. Aker, Angle, Burke, Cornett, Davis, Eggleston, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Miller, Morgan, Nave, Nickel, Parks, Shanks, Stevenson, Walpole, Watts and West—19.

So the motion to refer was adopted.

Mr. Hoover of Wayne, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred a resolution of the Senate enquiring in to the expediency of exempting canal lands from taxation, have had the same under consideration, and would report that the Legislature, by an act approved February 1, 1834, declared that canal lands should be exempt from taxation until the final payment of the purchase money. These lands having sold at advance prices over other lands, and the purchasers having purchased under said law think it unjust and oppressive that they should now be taxed contrary to the express understanding of the purchasers and act of the Legislature, and they have directed me to report the following bill to the Senate and recommend its passage :

Bill No. 47, to amend an act pointing out the mode of levying taxes ;

Read a first time and passed to a second reading on to-morrow.

Mr. Harris, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to which was referred the petition of Samuel D. Gresham, collector of the state and county revenue for Carroll county for the years 1839 and '40, praying for an extension of time to collect the revenue of said county, have had the same under consid-

ration, and instructed me to report the following bill and recommend its passage :

Bill No. 48, for the relief of Samuel D. Gresham, collector of Carroll county ;

Read a first time and ordered to a second reading on to-morrow.

Mr. Aker, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to which was referred the petition of Henry Debolt and others, praying that the county road between Mountholly in Randolph county and the county line between Randolph and Jay counties be declared a state road, have had that subject under consideration and have instructed me to report a bill in accordance with the prayer of said petitioners and recommend its passage.

Bill No. 49, to declare a certain state road therein named a state road ;

Read a first time and ordered to a second reading on to-morrow.

RESOLUTIONS.

On motion of Mr. Wright,

Resolved, That the committee on finance enquire into the expediency of requiring the several county auditors of this State to ascertain the true condition of the surplus revenue loaned out in their several counties upon personal security or mortgage. And that they be required to report to the auditor of State, the amount loaned upon mortgage—names of mortgagers—the probable value in cash of the mortgaged premises—the amount for which the same is mortgaged—also the persons to whom loaned on personal security, the amount so loaned and the probable solvency or insolvency of the borrowers, also all other facts necessary to explain or show the true situation of such fund in their several counties.

On motion of Mr. Sands,

Resolved, That the Auditor of State furnish to the Senate, a statement of the amount received by the Treasurer, Secretary and Auditor of State, as salary and perquisites, for the years 1837, 1838, 1839, and 1840, setting forth separately the amount received and for what services; also the amount received by the Treasurer, Secretary of State and Agent of the town of Indianapolis, for taking charge of the library, public buildings and town property of the State, at as early a day as possible.

On motion of Mr. Parks,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill subjecting to sale on execution, property held by title bond, promissory notes, &c.

On motion of Mr. Parker

The following preamble and resolution were adopted :

Whereas, There has been an entire suspension of operations on the

White water canal, with a view to its completion, for about two years and a half; and whereas it is deemed inexpedient for the State to enthrall herself farther, for the purpose of prosecuting said work, at this time; and whereas the cost of superintendence and repair upon that portion of said canal now finished, exceeds the entire income from both tolls and water rents, and is an annual tax upon the state treasury, and likely to so continue, if left in its present condition; and whereas an immense amount of work done upon, and materials supplied for the line of said canal, are rapidly going to destruction, and will soon be quite useless, unless said canal is completed at a great additional expense; and whereas a large portion of the people of the White water valley are of the opinion that the completion of said canal to the National road, agreeably to the original design of the State would be of immense public utility; Therefore

Resolved, That the standing committee on canals and internal improvements be instructed to enquire into the expediency of inducing the investment of private capital for the completion of said canal, as aforesaid, by chartering a company for that purpose, and providing for yielding to said company, so soon as the stock may be subscribed, and operations commenced, in consideration that they complete said canal through to the National road, within five years, the use and benefit of the entire interest of the State in said canal, for a term of fifteen years, from and after its completion, and until the State shall redeem said canal by reimbursing to said company their expenditure on the same; *Provided* however, that after the expiration of said fifteen years, all the net profits arising from said canal, after deducting eight per cent. on the stock by said company invested, shall be paid into the state treasury: *And provided further*, that said company shall, at any time, before the State buys them out as aforesaid, have the privilege of buying out the interest of the State in said canal, by paying her therefor, her expenditure by way of construction thus far, in her own bonds at their face, or in money.

Mr. Davis offered for adoption the following resolution:

Resolved, That the committee on canals and internal improvements be requested to enquire into the propriety of dismissing our fund commissioner, chief engineer, and all other officers belonging to the system of internal improvement, and of appointing some capable and honest agent, if one can be found, to settle the whole business and wind up the concern, excepting the Wabash and Erie canal, with leave to report by bill or otherwise.

My Berry moved to amend by inserting the following words: "If he can be found;"

Which was adopted.

The question then recurring on the resolution as amended

It was adopted.

Mr. Herriott offered for adoption the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of a reorganization of the board of internal improvement and of revising the law on that subject

so as more clearly to define the duties of the public officers connected therewith;

Which was not adopted.

On motion of Mr. Watts,

Resolved, That the committee on education be requested to enquire into and report to the Senate, if in their power so to do, the quantity of seminary lands in Gibson and Monroe counties unsold, and the amount of principal and interest owing for lands sold for college and seminary purposes.

On motion of Mr. Gregory,

Resolved, That the standing committee on the judiciary be requested to enquire into the expediency of authorizing by law the printing in pamphlet form of that part of the constitution and laws now in force in this State, which relates to elections, and that each inspector of elections in the several townships be entitled to one copy thereof, to be circulated with the laws in the same manner and at the same time, with leave to report by bill or otherwise.

Mr. Miller introduced

Joint resolution No. 50—for the benefit of the citizens of the reserved township in Gibson county;

Which was read three several times, (the rules having been dispensed with for that purpose) and passed.

BILLS INTRODUCED.

Mr. Read introduced

Bill No. 51—declaring a certain name a misprint and for other purposes;

Read and ordered to a second reading on to-morrow.

Mr. Gregory introduced

Bill No. 52—declaring a certain road therein named, a public highway;

Read, and ordered to a second reading on to-morrow.

Mr. Baird introduced

Bill No. 53—to amend an act entitled "an act regulating the interest of money in the State of Indiana;

Read, and ordered to a second reading on to-morrow.

Mr. Bright introduced

Bill No. 54—entitled "an act to amend an act pointing out the mode of levying taxes, approved Feb. 12, 1841;

Read, and ordered to a second reading on to-morrow.

Mr. Wright introduced

Bill No. 55—to amend an act regulating the interest of money, in the State of Indiana, and for other purposes;

Read, and ordered to a second reading on to-morrow.

Mr. Nave introduced

Bill No. 56—to provide for selecting petit jurors in Hendricks county, and for other purposes;

Read, and ordered to a second reading on to-morrow.

Mr. Sands introduced

Bill No. 57—to repeal an act entitled “an act incorporating a Seminary in the county of Gibson, and for other purposes, approved Feb. 13, 1841;

Read, and ordered to a second reading on to-morrow.

Mr. Everts introduced

Bill No. 58—To amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools, app. Feb. 17, 1838, app. Feb. 15, 1841.

Read and ordered to a second reading on to-morrow.

Mr. Nave introduced

Bill No. 59—To repeal the act entitled an act to provide for the settlement of suspended claims for labor on the public works, app. Feb. 15, 1841.

Read and ordered to a second reading on to-morrow.

Mr. Cornett introduced

Bill No. 60—To repeal so much of a law passed Feb. 15, 1841, as provides for converting the College fund into Bank stock, and other matters therein contained.

Mr. Cornett moved that the rules be suspended and the bill read a second time now;

Which was not adopted, and

The bill ordered to a second reading on to-morrow.

ORDERS OF THE DAY.

Bills on third reading—

On motion of Mr. Walpole,

Bill No. 4 of the House, in relation to the jurisdiction of justices of the peace in Madison county,

Was taken from the table and passed.

Bill No. 26 of Senate, to define more particularly the duties of the commissioners of the three per cent. fund in Daviess county,

Was read a third time and passed.

Bill. No. 28—For the relief of the borrowers of the school and surplus revenue funds,

Was read a third time, and,

On motion of Mr. Herriman,

Referred to a select committee with instructions as follows:

“To provide for those counties which have not had their surplus revenue, to-wit: the counties of De Kalb, Lake and Wells.”

Mr. Foster moved to amend said instructions by adding the county of Blackford,

Which was adopted.

Mr. Wright moved to further instruct the committee “to report such amendments as they may deem necessary to the details of the bill,”

Which was adopted.

Ordered that Messrs. Herriman, Baird, Harris, Walpole, Aker and Everts compose said committee.

Bill No. 39—For the relief of the heirs of C. A. Dumaree, deceased;

Was read a third time and passed.

Bill No. 37—To legalize the proceedings of Hamilton Lapham as commissioner to survey and locate a state road from Lebanon, Brown county, to Thorntown;

Was read a third time and passed.

BILLS ON SECOND READING.

Bill No. 7 of the House, to extend the time of holding probate courts in Knox county,

Was read a second time and ordered to a third reading on to-morrow.

Bill No. 16 of the House, to amend an act regulating the times of holding the court in the 2d judicial circuit of this State,

Was read a second time, when,

Mr. Shanks moved the following amendment:

“That when there are five Mondays in March or September the court shall sit eighteen days, if the business requires it;”

Which motion was adopted, and the bill ordered to a third reading on to-morrow.

Bill No. 18 of the House, to regulate the jurisdiction of the justices of the Peace in Greene county,

Was read a second time, when,

On motion of Mr. Dobson,

The rules were suspended, the bill read a third time and passed.

Bill No. 20 of the House, to legalize the election of the probate judge of Laporte county, and for other purposes,

Was read a second time, when,

On motion of Mr. Everts,

The rules were suspended, the bill read a third time and passed.

On motion of Mr. Harris,

The vote on the passage of bill No. 20 of the House was reconsidered.

Mr. Eggleston moved to strike out of said bill the word “county” and insert the word “State” in lieu thereof; when,

On motion of Mr. Everts,

Said bill was referred to a select committee with instructions.

Ordered that Messrs. Everts, Nave and Eggleston compose said committee.

Bill No. 21 of the House, to regulate the jurisdiction of justices of the peace in Hamilton county,

Was read a second time, when,

Mr. Angle moved to strike out the bill from the enacting clause and insert the following:

“That the jurisdiction of justices of the peace in civil causes in the

county of Hamilton shall be governed by the provisions of the 103d section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, all laws to the contrary notwithstanding.

"This act to be in force and take effect from and after its passage."

Which was adopted, and the bill ordered to be engrossed and read a third time on to-morrow.

The following message was received from the House of Representatives by Mr. Brown their clerk:

Mr. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed, without amendment, a joint resolution of the Senate as follows:

No. 7—A joint resolution on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois.

The Speaker of the House has signed an enrolled bill of the House as follows:

No. 67—An act to authorize a special session of the Marion Circuit Court.

Also, an enrolled joint resolution of the Senate, to-wit:

No. 8—A joint resolution on the subject of a location of an armory in the West.

Both of which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Mr. Harris, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT:

The joint committee on enrolled bills report that they did on this day present to his excellency the Governor for his approval and signature the following enrolled joint resolution of the Senate, to-wit:

No. 8—A joint resolution on the subject of the location of an armory in the West.

On motion,

The Senate adjourned.

WEDNESDAY, DEC. 22, 1841.

The Senate assembled.

The President laid before the Senate a communication from J. L. Williams, in compliance with a resolution of the Senate, calling on him for information respecting the officers and their salaries, employed in connection with the public works of the State.

On motion,

Said communication was laid on the table and one thousand ordered to be printed.

The following message was received from the House of Representatives by Mr. Brown their clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof as follows:

No. 100—A bill to change the mode of selecting petit jurors in Jackson county and for other purposes.

In which I am instructed to respectfully ask the concurrence of the Senate.

On motion of Mr. Carr of Jackson,

The rules were suspended and the bill read a second time.

Mr. Tannehill moved to amend by inserting the county of Bartholomew;

Which was adopted.

When, the rules were further suspended, the bill read a third time and passed.

Mr. Reeve presented the petition of William M. Beck and others, citizens of Rush county, praying for relief;

Referred, on his motion, to the committee on the judiciary.

Mr. Pitcher, from the judiciary committee, made the following report:

Mr. PRESIDENT:

The judiciary committee to which was referred the petition of Valentine Brown, praying for the passage of a law authorizing him to sell the real estate of his minor children, have had the same under consideration and have directed me to report: That the laws of the State have provided a safe and adequate remedy for such cases; that special legislation in such cases is dangerous in its tendency and of doubtful legality; the committee therefore ask to be discharged from the further consideration of the case.

On motion of Mr. Harris,

Said report was laid on the table.

Mr. Pitcher, from the judiciary committee, made the following report:

MR. PRESIDENT :

The judiciary committee to whom was referred a resolution relative to the duties of clerks of circuit courts, have had the same under consideration and instruct me to report the following bill:

Bill No. 61, supplementary to an act entitled an act concerning clerks;

Read a first time and ordered to a second reading on to-morrow.

Mr. Stevenson, from the committee on education, made the following report:

MR. PRESIDENT :

The committee on education to whom was referred the petition of A. L. Wheeler and others, on the subject of not allowing to school commissioners, township treasurers and district treasurers the benefit of a stay of execution, have had the same under consideration and directed me to report the following bill:

Bill No. 62—An act to amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17 1838, approved Feb. 15, 1841.

On motion of Mr. Baird,

The rules were suspended, the bill read a second and third times and passed.

Mr. Stevenson, from the committee on education, made the following report:

MR. PRESIDENT :

The committee on education to whom was referred a bill No. 34, to amend an act to revise and amend an act incorporating congressional townships and providing for public schools therein, have according to order had the same under consideration and have directed me to report it back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Watts from the committee on agriculture made the following report :

MR. PRESIDENT:

The committee on agriculture to which was referred bill of the House No. 12, on the subject of estrays, have had the same under consideration, and are of the opinion, that there is a legal or perhaps constitutional question to decide in regard to said bill; they there-

fore ask its reference to the judiciary committee, and to be discharged from the further consideration of the same.

The report was concurred in and the committee accordingly discharged.

Mr. Herriman from a select committee made the following report :

MR. PRESIDENT:

The select committee to whom was referred a bill for the relief of the borrowers of the school and surplus revenue funds have had the same under consideration, and directed me to report the same back with the following amendments, and recommend its passage.

SEC. —. That all judgment debtors to the surplus revenue fund may avail themselves of the provisions of this act by discharging all costs and interests due on said payment, and giving bond and security of the acceptance of the surplus revenue agent of the proper county for the payment of the amount of said judgment with the interest as provided by law.

SEC. —. So soon as the surplus revenue agent shall receive the bonds as above provided and the interest and costs paid on the judgment as provided for in the above section, it shall be the duty of the said surplus revenue agent to enter satisfaction of said judgment, *Provided*, That nothing in this act shall be so construed as to apply to the counties of DeKalb, Wells and Lake, so far as the same applies to the surplus revenue fund of said counties.

The report was concurred in, the bill read a third time and passed.

Mr. Everts from a select committee made the following report :

MR. PRESIDENT:

The select committee to whom was referred the bill of the House No. 20, to legalize the election of the probate judge of Laporte county, and for other purposes, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment and recommend its passage.

On motion of Mr. Nave the rules were suspended, the bill read a third time and passed.

On motion of Mr. Pitcher

The order of business was suspended, and leave granted him, to make the following report, from the standing committee on the State Bank :

MR. SPEAKER:

The committee upon the State Bank to whom was referred the resolution of the Senate instructing them to report a joint resolution providing for the election by joint ballot of an agent on the part of the State, to examine the State Bank and Branches, have had the same

under consideration, and have directed me to report the following joint resolution, and ask its adoption by the Senate:

Joint resolution, No. 63, providing for the election of an agent to examine the Branches of the State Bank.

Read and ordered to a second reading on to-morrow.

RESOLUTIONS.

Mr. Stevenson offered the following preamble and resolution :

Whereas, The board of internal improvement have continued a most extravagant system of expenditures for repairs upon works which are unfinished, and which can in all human probability never be finished, nor rendered of any public utility whatever; and whereas, an unnecessary number of engineers, superintendents, &c. have been employed at high and extravagant salaries, such as is by no means justified by any condition of things now known to exist, and for the purpose of putting an effective stop to such a state of things as is now known to exist, Therefore, *Resolved*, That the committee on canals and internal improvements be required to report a bill dispensing with the office of principal engineer, restricting and defining specifically the duties of all agents connected with the public works, so as to prevent hereafter all unnecessary expenditure.

Mr. Elliott moved to strike out the preamble.

The question being on striking out

The ayes and noes were demanded by Messrs. Stevenson and Carr of J.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Elliott, Everts, Gregory, Herriott, Hoover of T., Mount, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Watts and Wright—22.

Those who voted in the negative were,

Messrs. Bright, Carr of J., Carr of L., Chamberlain, Cornett, Davis, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Morgan, Nave, Nickel, Parks, Read, Sinclear, Stevenson, Tannehill, Walpole and West—25.

So the motion to strike out was not adopted.

Mr. Chamberlain moved to amend as follows:

"To provide for the election of all officers and agents employed by the State in connection with the public works, except arbitrators, and attorneys, by a joint ballot of the two branches of the General Assembly."

Mr. Eggleston moved to amend the amendment so as to strike out the words "joint ballot" and insert in lieu thereof the words "joint resolution;"

Which was adopted.

Mr. Watts moved to amend the amendment as follows:

And that the salaries of said officers and superintendents so elected or appointed, in no case shall exceed the profit or tolls received on said works ;

Which was adopted.

The question being on the adoption of Mr. Chamberlain's amendment as amended, it was decided in the affirmative.

The question then recurring on the adoption of the resolution as amended,

It was adopted.

On motion of Mr. Parker

The following message received from the House of Representatives by Mr. Henley a member, was taken up :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate, that the House of Representatives has passed engrossed bill thereof as follows,

No. 102—An engrossed bill to repeal the 18th, 21st, and 23d, sections of the act prescribing the duties of county treasurers.

In which I am directed respectfully to ask the concurrence of the Senate.

Bill No. 102—to repeal the 18th, 21st, and 23d, sections of the act prescribing the duties of county treasurers, named in said message was read a second time, when

Mr. Parker moved to amend by inserting the following as an additional section;

SEC. It shall be the duty of the Auditor of State upon the approval of this act, to direct the several county auditors to make the returns of the appraisement, to him by mail, or by some suitable person, on or before the 15th day of Jan., 1842; and so much of the 14th section of the act to value the property of this State (chapter 1) which makes it the duty of the county auditors to forward said returns of appraisement by the county treasurers on or before the 15th January; be and the same is hereby repealed;

Which was adopted.

Mr. Read moved to amend by inserting the following as an additional section;

SEC. That all acts heretofore passed relative to a State Board of Equalization, be, and the same are hereby repealed.

Mr. Collins moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Read and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carr of Jackson, Carnan, Collins, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of

Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts, West and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of Lawrence, Chamberlain, Davis, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Parks, Read, Shanks, Sinclear, Tannehill and Walpole—19.

So the motion to lay on the table did not prevail.

Mr. Morgan moved to suspend the rules and read a third time now ; Which motion was adopted.

The question then being on the final passage of the bill ; Which was decided in the affirmative.

2 o'clock, P. M.

The Senate assembled.

Mr. Collins offered for adoption the following resolution :

Resolved, That the committee on federal relations be directed to inquire whether the State of Indiana has received the five hundred thousand acres of land for purposes of internal improvement, secured to her by the eighth section of the act of Congress, appropriating the proceeds of the sale of the public lands and granting pre-emption rights, approved September 1, 1841, and if not, then to report to the Senate a bill directing the selection of said land according to the provisions of said act of Congress.

Mr. Chamberlain moved to lay the resolution on the table ;

Which was not adopted.

The question then being on the adoption of the resolution, it was decided in the affirmative.

Mr. Chamberlain offered for adoption the following preamble and resolution :

Whereas, In consequence of the embarrassed condition of the State of Indiana, she is unable to proceed in the prosecution of her public works, which are now universally in a profitless state of suspension, while the amount of her public debt, incurred for the prosecution of said works, already exceeds the amount of the original estimates for their completion, and on which debt the annually accruing interest exceeds a half million of dollars ; and

Whereas, From the causes aforesaid, the people of this State are utterly unable by taxation or otherwise to pay either the principal or annually accruing interest of said debt ; and

Whereas, It is desirable alternately to relieve the people from the oppressive burdens which thus are imposed upon them, by providing for the redemption of our state bonds in the most just and speedy manner possible—

Resolved, That a select committee be appointed to inquire into the expediency of providing a fund for the redemption of our state bonds at whatever depreciated price they can be purchased ; and if for this purpose found necessary, of paying all interest which shall have accrued upon such bonds up to the time of their redemption as aforesaid. And for this purpose further to inquire into the expediency for the purpose of creating said fund, of repealing an act entitled “ an act to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836,” approved February 16, 1841 ; and of setting apart, so fast as the same may be collected for the purpose aforesaid, the several funds in said act enumerated and therein appropriated for the creation of additional bank stock, excepting the sinking fund in such manner as shall not ultimately divest any of said funds or their proceeds from the school purposes, to which they were originally pledged ; and whether the State can command any other resources by which said fund may be increased. And also to inquire into the expediency of appointing a competent agent to apply said fund to the purposes aforesaid, with leave to report by bill or otherwise.

Mr. Eggleston moved to amend as follows :

Strike out so much as relates to the surplus revenue and insert— and also to inquire into the expediency of creating stock companies to whom the public works of the State, or some of them may be sold for their cost in bonds, and further to provide that the several counties of the State be authorised to pay off the public debt in funds to be in just proportion, taking into consideration the benefit derived from the public works ;

Which was adopted.

Mr. Cornett moved to amend the amendment so that said committee be directed to inquire into the expediency of raising the aforesaid fund by levying a tax on the people of the counties which have advocated the internal improvement system ;

Which motion was adopted.

The resolution as amended was then adopted.

Ordered, That Messrs. Chamberlain, Eggleston and Kinzer compose said committee.

On motion of Mr. Aker,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the 6th section of “ an act subjecting real and personal estate to execution, approved February 4, 1831, so as not to compel sheriffs and other officers to advertise the sale of real estate in a newspaper, unless the same can be published for one dollar, and report by bill or otherwise.

On motion of Mr. Parker,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for the reconveyance of convicts from the penitentiary to the county where the convict may have been tried and sentenced, in all cases where the judgment of conviction may be reversed by the supreme court and a new trial ordered prior to the expiration of the time for which the convict may have been sentenced to serve in the penitentiary.

On motion of Mr. Davis,

Resolved, That the committee on federal relations be instructed to inquire into the expediency of extending the time of payment by debtors of the sinking fund to some four or five years, and of reducing the interest thereon to six per cent. ; with leave to report by bill or otherwise.

On motion of Mr. Berry,

Resolved, That the committee on the judiciary be instructed to report a bill prescribing the particular term in the year at which the board of county commissioners shall discharge the duties contemplated by the 30th section of the act entitled "an act for the relief of the poor ;" and all such duties as were required to be discharged by said board at the term named in said section, and which duties have not been dispensed with by any subsequent law.

INTRODUCTION OF BILLS.

Mr. Walpole introduced

Bill No. 64, changing the time of holding the Madison circuit court ;

Which, on his motion, was read a second and third times (the rules having been dispensed with for that purpose) and passed.

Mr. Wright introduced

Bill No. 63, to define the duties of county auditors ;

Read and ordered to a second reading on to-morrow.

Mr. Collins introduced

Bill No. 66, to authorise the reception of that portion of the proceeds of the sales of the public lands to which the State of Indiana is entitled to by virtue of an act of Congress entitled "an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved September 1, 1841 ;

Read and ordered to a second reading on to-morrow.

Mr. Nave introduced

Bill No. 67, to abolish the offices of fund commissioner and board of internal improvement in this State ;

Read and ordered to a second reading on to-morrow.

ORDERS OF THE DAY.

Bills on their third reading :

Bill No. 16, of the House, to amend an act regulating the times of holding the court in the second judicial circuit of this State ;

Read a third time and passed.

Bill No. 7, of the House, to extend the time of holding probate courts in Knox county ;

Read a third time and passed.

Bill No. 21, of the House, to regulate the jurisdiction of justices of the peace in Hamilton county ;

Read a third time and passed.

BILLS ON THEIR SECOND READING.

Bill No. 11, of the House, authorising the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation,

Was read a second time ; when

Mr. Cornett moved to amend by adding in the proper place the following :

Said treasurer allowing on said exchange only the market value of said fifty dollar notes.

Mr. Baird moved to refer said bill and pending amendment to the committee on finance.

The motion prevailed and so referred.

Bill No. 25, of the House, supplemental to an act subjecting real and personal property to execution, approved February 4, 1831.

Mr. Stevenson moved to strike out the words "market value," and insert in lieu thereof, the words, "cash value."

Mr. Elliott moved to refer the bill and proposed amendment to the judiciary committee.

Mr. Dobson called for a division of the question.

The question then being on referring,

The ayes and noes were demanded by Messrs. Herriman and Moffatt.

Those who voted in the affirmative were,

Messrs. Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Eggleston, Elliott, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Watts and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Chamberlain, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman,

Moffatt, Nickel, Parks, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—24.

So the motion to refer was not adopted.

Mr. Bright moved to lay the bill and pending amendment on the table, and print 100 copies;

Which motion was adopted.

The following message was received from his Excellency the Governor by his private secretary, Mr. Kiersted :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that on yesterday he approved and signed

A joint resolution on the subject of the location of an armory in the west ;

Which originated in the Senate.

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed joint resolution of the Senate, to-wit :

No. 7, a joint resolution on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois ;

And have found the same correctly enrolled.

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the House of Representatives, to-wit :

No. 18, an act to regulate the jurisdiction of justices of the peace in Greene county ;

And have found the same correctly enrolled.

On motion,
The Senate adjourned.

THURSDAY, DEC. 23, 1841.

The Senate assembled.

The President laid before the Senate the following communication from his Excellency the Governor :

EXECUTIVE CHAMBER,
December 22, 1841. }

HON. SAMUEL HALL,

President of the Senate:

I hereby transmit an interesting communication from the chaplain of the state prison, with a request to have the same laid before the Senate.

I am, most respectfully,

Your obedient servant,

SAM. BIGGER.

On motion of Mr. Stevenson,

Said communication was laid upon the table and one thousand copies ordered to be printed.

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills, to-wit :

No. 17, of the Senate, an act for the establishment of a state road in Fayette county ;

No. 102, of the House, an act to repeal the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers ;

And have found the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Brown their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to bills of the House as follows :

No. 4, an act in relation to the jurisdiction of justices of the peace in Madison county ;

No. 102, an act repealing the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers.

The House has passed, without amendment, the following engrossed bills of the Senate, to-wit :

No. 18, an engrossed bill to repeal a portion of a joint resolution on the subject of the Michigan road lands;

No. 19, an engrossed bill for the relief of certain persons therein named;

No. 27, an engrossed bill to vacate an alley in the town of Lebanon, Boone county.

Also, the following engrossed bills of the House of Representatives, to-wit:

No. 32, an engrossed bill relating to the jurisdiction of justices of the peace in actions by and against corporations;

No. 33, a bill to amend an act entitled "an act for the promotion of schools and education in Clark's Grant," approved February 15, 1838;

No. 35, a bill for the relief of Charles Percell, late collector of Posey county;

No. 38, a bill to repeal an act entitled "an act for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene;"

No. 39, a bill to amend an act to incorporate the Orange Guards;

No. 40, an act for the relief of Nancy Close, wife of Samuel Close, deceased;

No. 45, an act to change a certain state road in Monroe county;

No. 49, an act to regulate the jurisdiction of justices of the peace in the county of Dubois;

No. 52, an act providing for the election of three school commissioners in township No. 14, north of range No. 7 west, in Parke county;

No. 53, an act to amend a joint resolution concerning standing committees;

No. 56, an act to incorporate the Eel river bridge company;

No. 58, an act for the relief of Patrick Eagan;

No. 59, an act for the relief of the members of fire company No. 1 in Fort Wayne;

No. 61, an act for the relief of Patrick Rush;

No. 62, an act for the completion of the Wabash and Erie canal from the mouth of the Tippecanoe river to Terre Haute;

No. 82, an act in relation to granting license in the county of Marion.

Also, the following joint resolutions of the House:

No. 41, a joint resolution to provide for distributing the acts of Congress, deposited in the office of the Secretary of State;

No. 46, a memorial and joint resolution on the subject of the national road;

No. 57, a joint resolution relative to the reduction of the prices of the public lands in Indiana.

In which bills and joint resolutions I am directed respectfully to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed the following enrolled bill of the House, to wit:

No. 18—an act to regulate the jurisdiction of justices of the peace in Greene county;

Also the following joint resolution of the Senate:

No. —a joint resolution on the subject of a resumption of specie payments, by the States of Ohio, Kentucky and Illinois.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Bills No. 32, 33, 35, 38, 39, 40, 45, 49, 52, 53, 56, 58, 59, 61, 62, 82, and joint resolution No. 4 of the House contained in said message, were severally read a first time, and ordered to a second reading on to-morrow.

Memorial and joint resolution No. 46 of the House in said message was read a first time, and

On motion of Mr. Stevenson, the rules were suspended, the bill read a second and third time, and passed.

Joint resolution No. 5, of the House in said message was read, and ordered to a second reading on to-morrow.

PETITIONS WERE PRESENTED,

By Mr. Davis, from C. S. Morehouse and many others, citizens of Posey county, praying a repeal of an act "authorizing the establishment of a state board of equalization;" which, on motion of Mr. Read was laid on the table.

By Mr. Mount, from J. W. Hilt and W. M. McCarty, of Franklin county, praying the passage of an act therein named; which on his motion, was referred to a select committee.

Ordered, that Messrs. Mount, Parker and Elliott compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Nickel from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to which was referred the petitions of sundry citizens of Randolph county, praying the enactment of a suspension law; stay law and valuation law, also, of sundry citizens of Rush county on the same subject, also, of Wm. P. Dole and other citizens of Indiana on the same subject, have had the same under consideration, and in as much as the subjects referred to are now before both branches of the General Assembly in various forms, they have directed me to report the same back to the Senate and ask to be discharged from further consideration thereof.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Watts from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to which was referred a resolution of the Senate No. 4, on the subject of the \$50 00 treasury notes, have had the same under consideration and have directed me to report, that as the subject matter of said resolution is now before the Senate in a bill pending, ask to be discharged from the further consideration of the same.

The report was concurred in and the committee accordingly discharged.

Mr. Watts from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to which was referred bill of the Senate No. 29, for the relief of certain persons therein named, have had the same under consideration and have directed me to report it to the Senate without amendment and recommend its passage.

The question being on ordering said bill to be engrossed, and read a third time on to-morrow, it was decided in the affirmative.

Mr. Stevenson from the committee on finance made the following report:

MR. PRESIDENT:

The committee on finance to whom a resolution was referred directing an enquiry into the expediency of making canal certificates and treasury notes receivable for interest and principal of canal lands, have, according to order, had the same under consideration and have directed me to report that it is inexpedient to legislate upon the subject.

The question being on concurring in the report,

It was decided in the negative; when

On motion of Mr. Baird, said resolution was referred to a select committee.

Ordered, that Messrs. Baird, Gregory and Elliott compose said committee.

Mr. Watts from the committee on finance made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a resolution of the Senate No. 25, on the subject of exempting \$200 00 of improvement on lands from taxation, have had the subject under consideration and have directed me to report that it is inexpedient to legislate

upon the subject and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Baird, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred that part of the Governor's message which refers to the lands granted for the continuation of the Wabash and Erie Canal, as well as resolutions of the Senate numbers 10, 11 and 12, have had the same under consideration and authorized me to report the following bill upon that subject:

Bill No. 6—To provide for the completion of the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute;

Was read a first time, and,

On motion of Mr. Carr of Jackson,

The rules were suspended and the bill read a second time, when,

On motion of Mr. Baird,

Said bill was laid on the table.

Mr. West, from the committee on the town of Indianapolis, made the following report:

MR. PRESIDENT:

The standing committee on the town of Indianapolis instruct me to make the following report:

They find that by the 6th section of an act for the formation of a new county (Marion) approved December 31st, 1821, two per cent. upon all future sales of lots in the town of Indianapolis was granted for a library for Marion county; that a large proportion of the lots, out-lots, &c., have been sold since that time, and that probably a large sum is now due the county. They therefore offer the following resolution and recommend its passage:

Resolved, That the agent of the State for the town of Indianapolis be instructed to report, at an early date, the amount of principal and interest now due Marion county for a library, and the present situation of said fund, and in whose hands, and whether it is immediately available for the original object contemplated by the law of Dec. 31st, 1831.

Which was adopted.

Mr. Collins, from the committee on the State Bank, made the following report:

MR. PRESIDENT:

I am directed by the committee on the State Bank to recommend to the Senate the adoption of the following resolution:

Resolved, That the committee on the State Bank be authorized to order any printing which they may deem necessary for the prosecution of their inquiries.

Which was adopted.

Mr. Chamberlain, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom, was submitted a bill to amend the act entitled an act to incorporate the Richmond Trading and Manufacturing Company, have had that subject under consideration and directed me to report the same back to the Senate and recommend its passage, with the following amendment, to-wit:

Add to the 5th section the following: "And be subject to amendment or repeal at the pleasure of the Legislature."

The report was concurred in, and,

On motion of Mr. Burke,

The rules were suspended, the bill considered as engrossed, read a third time and passed.

Mr. Read moved to take from the table the petition presented by Mr. Davis;

Which prevailed, and on his motion, was referred to the committee on finance.

Mr. Stevenson from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom the following resolution was referred:

Resolved, That the committee on finance be instructed to enquire into the expediency of so changing the law on the subject of granting license to tavern keepers, and persons to retail spirits, that regard shall be had to the location of the applicant, and his probable amount of business. The object of this resolution is to prevent the board of County Commissioners from exacting the same amount from all applicants, some of which applicants can realize little more of profits than the amount of tax to be paid—have had the same under consideration, and upon examination of the subject, find the law now to be as asked by the resolution. General laws 1841, page 42, sec. 17.

The committee therefore ask to be discharged from the further consideration of the subject.

Mr. Baird moved to recommit the same to a select committee,

Which motion prevailed.

Ordered that Messrs. Baird, Gregory, and Elliott compose said committee.

On motion of Mr. Berry the following preamble and resolution were adopted:

Whereas, A well organized militia system must ever be regarded as the safeguard of all governments—and in none is this principle more especially applicable than in the United States; it was this system which in war gave birth to our independence, and in peace has shed a most benign influence over the rights and liberties of our common country; and, whereas, from a long continued state of peace—ever to be desired by the patriot and philanthropist—the military spirit of Indiana seems almost to have expired, whilst her militia system has been suffered to pass into a most wretched, useless, and desperate state of lethargy and decay, and her laws on that subject to become a dead letter on her statute books, therefore,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of adopting such provisions as may be calculated to resuscitate the system, and secure an efficient organization; with leave to report by bill or otherwise.

On motion of Mr. Carr of L.,

Resolved, That the committee on canals and internal improvements, be instructed to report a bill requiring the board of internal improvements, or persons having charge of the public works of the State of Indiana, hereafter to state in their annual report, the name of each individual employed in any manner on account of the superintendence and repairs of said works, the nature of the service, and the amount of compensation paid in each case separately.

ORDERS OF THE DAY.

Bills on their second reading—

Bill No. 9 of the House, to incorporate the First Presbyterian Church of Logansport,

Was read, and,

On motion of Mr. Harris,

Referred to the committee on corporations.

Bill No. 25 of the House, to repeal an act entitled an act to incorporate the town of Princeton,

Was read, and,

On motion of Mr. Wright,

Referred to the committee on corporations.

Bill No. 26 of the House, to incorporate the Greenville Band of Musicians,

Was read, and,

On motion of Mr. Nave,

Referred to the committee on corporations.

Bill No. 29 of the House, to revive and amend an act therein named,

Was read, and,

On motion of Mr. Harris,

Referred to the committee on corporations.

Bill No. 31 of the House, regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo,

Was read, and,

On motion of Mr. Carnan,

Referred to a select committee.

Ordered that Messrs. Carnan, Moffatt and Davis compose said committee.

Bill No. 42 of the House, to abolish imprisonment for debt,

Was read, and,

On motion of Mr. Watts,

Referred to the judiciary committee.

Bill No. 43 of the House, for the relief of Pliny Hudson,

Was read, when,

Mr. Watts moved to refer said bill to the judiciary committee with instructions "to pass a general law on the subject;"

Which was not adopted.

The bill was then ordered to a third reading on to-morrow.

Bill No. 41 of the Senate, to amend an act regulating the practice in chancery, approved Feb. 10, 1841,

Was read and ordered to be engrossed for a third reading on to-morrow.

Bill No. 42—To amend the school law,

Was read and ordered to be engrossed for a third reading on to-morrow.

Bill No. 43—To amend an act relating to county seminaries,

Was read and ordered to be engrossed and read a third time on to-morrow.

Bill No. 44—Supplemental to the act entitled an act to provide for keeping of the State House and Library, approved February 2d, 1841,

Was read, and,

On motion of Mr. Dobson,

So amended as to "include physicians."

Then ordered to be engrossed and read a third time on to-morrow.

Bill No. 45—For the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe,

Was read, when,

Mr. West moved to amend as follows:

Strike out six per cent. and insert: "That said purchasers of land shall pay interest at and after the same rate as is now paid the Treasurer of State on other debts, now owing on account of State University."

Mr. Berry moved to refer said bill to a select committee.

Mr. Stevenson moved to instruct said committee by adding the following as an additional section:

"That the third and fourth sections of an act entitled "an act to provide for a better regulation of the Indiana University, approved Feb. 15th, 1841," be and the same are hereby repealed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled,

And resumed the consideration of the question pending on adjournment, it being the motion of Mr. Berry to commit bill No. 45 to a select committee, with instructions as proposed by Mr. Stevenson.

Mr. Watts moved to lay the instructions on the table.

The ayes and noes being demanded by Messrs. Stevenson and Gregory,

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Foster, Harris, Herriman, Herriott, Hoover of Tippecanoe, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Roberts, Sands, Shanks, Sinclear, Tannehill, Watts, West and Wright—36.

Those who voted in the negative were,

Messrs. Aker, Baird, Davis, Gregory, Hoover of Wayne, Reeve, Stevenson, and Walpole—8.

So the motion to lay on the table prevailed.

The question then recurring on referring said bill to a select committee,

It was decided in the affirmative, and so referred.

Ordered that Messrs. Berry, West, Eggleston, Miller and Cornett compose said committee.

Bill No. 45—To provide for the distribution of the laws of Congress to the several counties in this State,

Was read, when,

Mr. Elliott moved to amend by striking out the words "half binding" and insert in lieu thereof "full binding."

Which motion prevailed,

And the bill ordered to be engrossed and read a third time on to-morrow.

Bill No. 47—To amend an act pointing out the mode of levying taxes,

Was read, when,

On motion of Mr. Herriman,

Referred to the committee on canals and internal improvements.

Bill No. 48—For the relief of Samuel D. Gresham, collector of Carroll county,

Was read, and,

On motion of Mr. Harris,

Laid on the table.

Bill No. 49—To declare a certain county road therein named a state road,

Was read, ordered to be engrossed and read a third time on tomorrow.

Bill No. 51—Declaring a certain name a misprint and for other purposes,

Was read and ordered to be engrossed for a third reading on tomorrow.

Bill No. 52—Declaring a certain road therein named a public highway.

Was read, ordered to be engrossed and read a third time on tomorrow.

Bill No. 53—To amend an act entitled an act regulating the interest of money in the State of Indiana,

Having been read,

Mr. Mount moved to refer said bill to the committee on the judiciary.

Mr. Reeve moved its indefinite postponement.

The ayes and noes being demanded by Messrs. Aker and Baird,

Those who voted in the affirmative were,

Messrs. Berry, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Eggleston, Elliott, Gregory, Hoover of Tippecanoe, Hoover of Wayne, Mount, Parker, Parks, Read, Reeve, Roberts, Sands and Watts—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bright, Burke, Chamberlain, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Pitcher, Shanks, Sinclear, Stevenson, Tannehill, Walpole, West and Wright—29.

So the motion to indefinitely postpone did not prevail.

The question then being on committing said bill to the judiciary committee,

It was decided in the affirmative, and the bill accordingly committed.

Mr. Sands moved to instruct said committee as follows:

"*Provided, however,* That nothing in this act shall be so construed as to prevent debts heretofore created from being governed by the laws now in force regulating interest on money."

Which was not adopted.

Mr. Reeve moved to suspend the order of business for the purpose of taking from the table a bill in relation to the pay of members.

Which motion was not adopted.

Bill No. 54—Entitled an act to amend an act pointing out the mode of levying taxes, approved Feb. 12, 1841,

Was read, and,

On motion of Mr. Bright,

Referred to the committee on the judiciary.

Bill No. 55—To amend an act regulating the interest of money in the State of Indiana, and for other purposes,

Was read,

Mr. Elliott moved its reference to the judiciary committee.

The ayes and noes were ordered by Messrs. Moffatt and Aker:

Those who voted in the affirmative were,

Messrs. Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Mount, Parker, Pitcher, Reeve, Roberts, Sands, Stevenson, Tannehill, Watts and West—29.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Davis, Dobson, Foster, Harris, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Read, Shanks, Sinclear, Walpole and Wright—20.

The bill was so referred.

Bill No. 56—To provide for selecting petit jurors in Hendricks county, and for other purposes,

Was read, ordered to be engrossed and read a third time on tomorrow.

Bill No. 57—To repeal an act entitled an act incorporating a seminary in the county of Gibson and for other purposes,

Read and ordered to be engrossed for a third reading on tomorrow.

Bill No. 58—To amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838, approved February 15, 1841,

Read, and,

On motion of Mr. Carr of Jackson,

Referred to the committee on education.

Bill No. 59—To repeal the act entitled an act to provide for the settlement of suspended claims for labor on the public works, approved Feb. 15, 1841,

Read, and,

On motion of Mr. Nave,

Referred to the committee on canals and internal improvements.

Bill No. 60—To repeal so much of a law passed Feb. 15, 1841, as provides for converting the College Fund into Bank stock, and other matters therein contained,

Read, and,

On motion of Mr. Cornett,

Referred to the committee on education.

Bill No. 61—Supplementary to an act entitled an act concerning clerks,

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved and signed,

A joint resolution on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois.

Which originated in the Senate.

On motion,

The Senate adjourned.

FRIDAY, DEC. 24, 1841.

The Senate assembled.

The President laid before the Senate the following communication from M. Morris, Esq., Auditor of State :

AUDITOR'S OFFICE,
Indianapolis, Dec. 23, 1841. }

HON. S. HALL,

President of the Senate:

SIR:—In obedience to a resolution of the Senate, requiring the Auditor of Public Accounts to report the amount of the salary and perquisites allowed the Auditor, Secretary and Treasurer of State for services rendered during the years 1837, '8, '9, '40, I have the honor to submit the following statement of the salary and perquisites received by those officers for the year 1840, which, with some slight variations, may be considered as the estimated amount for the preceding years.

It will be seen by the report of the Auditor—see Senate journal of 1840, page 61—that his whole salary amounted to the sum of	\$1,314 35
The Secretary of State, per his report to the Senate, (see Senate journal of 1840, page 34) stated his salary, or permanent pay, to amount to the sum of	1,250 00
He estimates his perquisites at \$150 per year, which would make the whole amount allowed to him for his services.	1,400 00
The Treasurer of State's salary (for the report of which see same journal, page 49) amounted to the sum of	1,517 92
In addition to that amount, he was allowed by an act passed in 1837, in relation to the surplus revenue, an additional sum of \$500	

for clerk hire, making a total amount of \$2,017 92, exclusive of any per cent. on surplus revenue loans.

Respectfully submitted,

M. MORRIS, A. P. A.

Which,

On motion of Mr. Wright,

Was laid on the table.

The following message was received from the House of Representatives by Mr. Brown, their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bills of the House as follows :

No. 16, an act to amend an act regulating the times of holding the courts in the second judicial circuit of this State ;

No. 21, an act to regulate the jurisdiction of justices of the peace in Hamilton county ;

No. 100, an act to change the mode of selecting petit jurors in Jackson county and for other purposes.

The House has passed an engrossed joint resolution of the Senate as follows :

No. 50, a joint resolution for the benefit of the citizens of the reserved township in Gibson county.

Also, engrossed bills of the House as follows :

No. 63, an act for the relief of Samuel Snoddy ;

No. 64, an act locating a state road in Clay county ;

No. 65, an act amending an act entitled an act to authorise the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe river, approved February 15, 1841 ;

No. 66, an act for the relief of William McClure of Franklin county ;

No. 70, an act supplemental to an act entitled an act for the prevention of frauds and perjuries, approved January 24, 1831 ;

No. 71, an act to revive an act entitled an act to incorporate the town of Mooresville in Morgan county ;

No. 74, an act to legalise the marriage of William Gapen and Malinda G. Moore ;

No. 76, an act amendatory of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein mentioned.

In which several bills I am directed, respectfully, to ask the concurrence of the Senate.

Bill No. 63, of the House, for the relief of Samuel Snoddy ;

Read a first time and ordered to a second reading on to-morrow.

Bill No. 64, of the House, locating a state road in Clay county ;

Read ; and,

On motion of Mr. Moffatt,

The rules were suspended, the bill read a second time and referred to a select committee.

Ordered, That Messrs. Moffatt, Dobson, Davis and Carnan compose said committee.

Bills Nos. 65, 66, 70, 71, 74 and 76, of the House, contained in said message, were severally read and ordered to a second reading on to-morrow.

PETITIONS WERE PRESENTED,

By Mr. Dobson, from sundry citizens of Owen county, praying for relief;

Which, on his motion, was laid on the table.

Mr. Moffatt presented the proceedings of a meeting of sundry citizens of Sullivan county, containing instructions to their Senators and Representatives;

Which, on his motion, was laid on the table.

Mr. Dobson presented a communication from Nathaniel Clark, Esq. of Owen county, on the subject of relief;

Which, on his motion, was laid on the table.

Mr. Davis presented the proceedings of a meeting of citizens of Daviess county, instructing their Senators and Representatives on subjects therein named;

Which he moved to have referred to a select committee, with instructions to report a bill in accordance with said instructions;

Which motion did not prevail, but was referred, on his motion, to a select committee.

Ordered, that Messrs. Davis, Roberts and Hoover of Wayne compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Hoover of Wayne, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, requesting an inquiry into the expediency of changing the time of the meeting of the General Assembly from the first Monday of December, as now, to the first Monday of January, have, according to order, had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and respectfully ask to be discharged from the further consideration thereof.

The report was concurred in and the committee accordingly discharged.

On motion of Mr. Eggleston,

The judiciary committee were discharged from the further consideration of all bills referred to them on the subject of executions.

REPORTS FROM SELECT COMMITTEES.

Mr. Baird, from a select committee, for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred resolution No. 19 of the Senate, on the subject of the amount of tax to be paid by persons applying for license to sell spiritous liquors, &c., have had the same under consideration and directed me to report the following bill:

Bill No. 68, to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841;

Read a first time and ordered to a second reading on to-morrow.

Mr. Walpole made the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate instructing said committee to inquire into the propriety of reorganising and equalising the several judicial circuits of the State of Indiana, have, according to order, had the same under consideration, and a majority of said committee have instructed me to report the following bill:

No. 69, an act to reorganise the several judicial circuits,

In which the concurrence of the Senate is requested.

Mr. Nave moved to suspend the rules and read the bill a second time now;

Which was not adopted.

Ordered to a second reading on to-morrow.

RESOLUTIONS.

On motion of Mr. Burke,

Resolved, That a select committee be appointed to enquire into the expediency of amending the act pointing out the mode of levying taxes so as to increase the tax on clock peddlers, with leave to report by bill or otherwise.

On motion of Mr. Chamberlain,

The following preamble and resolutions were adopted:

Whereas, the people of the State of Indiana are deeply interested as stockholders in the bank of this State,

Resolved, That the standing committee on the state bank, in its investigations, now pending into the management, and situation of that institution, be instructed to enquire strictly into the expenses of its administration, and management in the following particulars:

1st. What has been, and what will be, when finished, the cost of the several banking houses of said bank, and its branches.

2d. What salaries, per diem allowances, perquisites, gratuities, or

compensation in any form, are allowed its officers, agents, and attorneys, and all other persons connected with its management and what have they and each of them received, annually, every year since the establishment of said bank, to the present time, specifying the expenses of the bank, and each of the branches, in all the foregoing particulars, and in connection therewith the profits, which have from each branch accrued to the State.

3d. What "retrenchment and reform" may be made, in any and all of these particulars beneficial to the State.

4th. That said committee enquire specially, into all the interests of the State relative to the operations of said bank, and the commissioners of the sinking fund, and report such amendments of the existing laws, regulating the same, as the results of said enquiries may seem to require.

On motion of Mr. Bradley,

The following preamble and resolution were adopted:

Whereas, an act entitled "an act for the preservation of sheep," approved January 25, 1841, and whereas a difference of opinion prevails in the judgment of learned and talented men, in relation to the operation of said law, therefore

Resolved, That the committee on the judiciary be instructed to examine said law, and report whether said law is general or local.

INTRODUCTION OF BILLS.

Mr. Herriman introduced,

Bill No. 70—Authorizing the State Treasurer to collect and pay over to the counties of Dekalb, Wells, and Lake, the portion of the surplus revenue, the same are entitled to;

Read a first time, and ordered to a second reading on to-morrow.

Mr. Gregory introduced,

Bill No. 71—To repeal a part of "an act to provide for a better regulation of the Indiana University," approved February 15, 1841;

Mr. West moved to reject said bill.

The question being on its rejection,

The ayes and noes were demanded by Messrs. Gregory and Baird.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Cornett, Eggleston, Elliott, Everts, Foster, Harris, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Morgan, Nave, Parker, Roberts, Sands, Sheets, Sinclear, Watts, West and Wright—27.

Those who voted in the negative were,

Messrs. Baird, Blair, Bright, Burke, Collins, Davis, Dobson, Greg-

ory, Herriman, Mount, Pitcher, Read, Shanks, Stevenson, Tannehill, and Walpole—16.

So the bill was rejected.

Mr. Blair introduced,

Bill No. 72—For the relief of the heirs of Robert Blair deceased; Read a first time and ordered to a second reading on to-morrow.

Mr. Parker introduced,

Bill No. 73—To incorporate the White Water Valley Canal Company;

Read a first time, when

On motion of Mr. Elliott,

The rules were suspended, the bill read a second time and referred to the committee on canals and Internal Improvements.

On motion,

The Senate adjourned.

2 o'clock P. M.

Senate assembled.

The President laid before the Senate a communication from Milton Stapp Esqr. late Fund Commissioner.

Mr. Morgan moved to dispense with the reading of said communication, and print 500 copies.

Mr. Walpole called for a division of the question.

The question then being on dispensing with the reading, it was decided in the affirmative.

Mr. ——— having proposed 1000 copies,

The question was taken upon printing the same, and decided in the negative.

Mr. Chamberlain proposed 600 copies;

Which prevailed, and ordered, subject to the provisions of the following resolution proposed by Mr. Baird:

Resolved, That if the number, the House has ordered is so carried out as to supply the Senate with an equal number, with the report of Gov. Noble, then none are to be printed for the Senate.

ORDERS OF THE DAY.

Bills on their third reading.—Bill No. 29—For the relief of certain persons therein named;

Read and passed.

Bill No. 41—To amend "an act regulating the practice in chancery" approved Feb. 10, 1841;

Read and passed.

Bill No. 42—To amend the school law;

Read and passed.

Bill No. 43—An act to amend an act "relating to county seminaries," approved Feb. 17, 1838;

Read and passed.

Bill No. 44—an act supplemental to the act entitled “an act to provide for keeping of the State House and Library,”

Was read, and, on the question shall the bill pass, was decided in the negative.

Bill No. 45—To provide for the distribution of the laws of Congress to the several counties in the State ;

Read and passed.

Bill No. 49—To declare a certain county road therein named a state road ;

Read, and passed.

Bill No. 51—An act declaring a certain name a misprint, and for other purposes ;

Read, and passed.

Bill No. 52—declaring a certain road therein named, a public highway ;

Read, and passed.

Bill No. 56—To provide for selecting petit jurors in Hendricks county, and for other purposes ;

Read, and on motion of Mr. Watts, was laid on the table.

Bill No. 57—To repeal an act entitled “an act incorporating a seminary in the county of Gibson, and for other purposes,” approved Feb. 13, 1841 ;

Read, and passed.

Bill No. 43, of the House—For the relief of Pliny Hudson ;

Read, and passed.

Mr. Eggleston, asked leave of absence until Monday next for Mr. Nave ; which was granted.

Bills on their second reading—

Bill No. 32, of the House—Relating to the jurisdiction of Justices of the Peace in actions by and against corporations ;

Read, and on motion of Mr. Herriman, referred to the committee on corporations.

Bill No. 33, of the House—To amend an act entitled “an act for the promotion of schools and education, in Clark’s Grant,” approved Feb. 15, 1838 ;

Read, and ordered to be engrossed and read a third time to-morrow.

Bill No. 35, of the House—For the relief of Charles Percell late collector of Posey county ;

Read, and on the question, shall said bill be engrossed for a third reading on to-morrow, it was decided in the negative.

Mr. Walpole moved a reconsideration of the vote on said bill ;

Which prevailed, when,

The bill was ordered to be engrossed, and read a third time on to-morrow.

Bill No. 38, of the House—To repeal an act entitled “an act for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Greene ;

Read, and on motion of Mr. Dobson, referred to a select committee. Ordered, that Messrs. Dobson, Carr of L., and Foster compose said committee.

Bill No. 39 of the House, to amend an act to incorporate the Orange Guards ;

Read and referred to the committee on military affairs.

Bill No. 40 of the House, for the relief of Nancy Close, wife of Samuel Close, deceased ;

Read and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Pitcher, the rules were suspended and leave granted him, to introduce the following resolution :

Resolved, That the Senate, when it adjourns, adjourn until Monday morning 9 o’clock.

On which the ayes and noes were demanded by Messrs. Gregory and Harris.

Those who voted in the affirmative were,

Messrs. Aker, Berry, Bradley, Carr of J., Carnan, Dobson, Hoover of T., Kinzer, Parker, Pitcher, Read, Roberts and Wright.—13.

Those who voted in the negative were,

Messrs. Baird, Blair, Bright, Burke, Carr of L., Chamberlain, Collins, Cornett, Davis, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of W., Moffatt, Morgan, Mount, Sands, Shanks, Sheets, Stevenson, Tannehill, Walpole, Watts and West.—29.

So the resolution was not adopted.

Joint resolution No. 41 of the House, to provide for distributing the acts of Congress deposited in the office of the secretary of state ;

Read and ordered to be engrossed, for a third reading on to-morrow.

Bill No. 45 of the House, to change a certain state road, in Monroe county ;

Read, and ordered to be engrossed for a third reading on to-morrow.

Bill No. 49 of the House to regulate the jurisdiction of justices of the peace, in the county of Dubois ;

Read, and ordered to be engrossed for a third reading on to-morrow.

Bill No. 52 of the House, providing for the election of three commissioners in school section No. 14, north of range 7 west, in Parke county ;

Read, and on motion of Mr. Bradley referred to a select committee.

Ordered, that Messrs. Bradley, Moffatt and Kinzer compose said committee.

Bill No. 53 to amend a joint resolution concerning standing committees ;

Read, and on motion of Mr. Chamberlain referred to the judiciary committee.

Bill No. 56 of the House, to incorporate the Eel River Bridge Company;

Read, and on motion of Mr. Herriman referred to the committee on corporations.

Joint resolution No. 57 of the House, relative to the reduction of the price of the public lands in the State of Indian;

Read, and on motion of Mr. Herriman referred to the committee on federal relations.

Bill No. 58 of the House, for the relief of Patrick Eagan;

Read, and on motion of Mr. Davis referred to the committee on claims.

Bill No. 59 of the House, for the relief of the members of Fire Company number one, in Fort Wayne;

Read, and on motion of Baird referred to the committee on corporations.

Bill No. 61 of the House, for the relief of Patrick Rush;

Read, and on motion of Mr. Davis, referred to the committee on claims.

Bill No. 62 of the House, for the completion of the Wabash and Erie canal from the mouth of the Tippecanoe river to Terre Haute;

Read, and on motion of Mr. Dobson referred to a select committee.

Ordered, that Messrs. Dobson, Moffatt, Sheets, Blair and Harris compose said committee.

Mr. Herriman moved the following instructions :

Commit the bill with instructions to provide also for the issue of treasury notes for the completion of the northern canal from Fort Wayne to Northport. The White water canal to the National road; the Madison and Indianapolis railroad to Indianapolis; and for the improvement of the Wabash rapids. Such a portion to be expended annually as to secure the completion of said works within five years;

Which, on motion Mr. Harris were laid on the table.

Mr. Herriman then moved to instruct as follows :

To enquire into the expediency of striking out the \$25,000 side cut.

Mr. Harris called for a division of the question.

Mr. Sheets moved to lay the instructions on the table.

The question being to lay on the table,

The ayes and noes were demanded by Messrs. Herriman and Sheets:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bradley, Cornett, Dobson, Eggleston, Everts, Gregory, Harris, Hatfield, Hoover of T., Morgan, Mount, Parker, Sheets, Stevenson, Tannehill, Walpole and Wright—19.

Those who voted in the negative were,

Messrs. Berry, Blair, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Davis, Elliott, Foster, Herriman, Hoover of W., Kinzer, Moffatt, Pitcher, Read, Roberts, Sands, Shanks, Sinclear, Watts and West.—24.

So the motion to lay on the table did not prevail.

The question then recurred on enquiring into the expediency of striking out; a division of the question having been called for and decided in the negative.

Mr. Baird moved to reconsider the vote taken on the resolution offered by Mr. Pitcher, proposing to adjourn over until Monday next.

The ayes and noes being demanded by Messrs. Harris and Gregory:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Dobson, Foster, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Parker, Pitcher, Read, Roberts, Sinclear, Tannehill and Wright—25.

Those who voted in the negative were,

Messrs. Burke, Cornett, Davis, Eggleston, Elliott, Everts, Gregory, Harris, Moffatt, Morgan, Mount, Sands, Shanks, Stevenson, Walpole, Watts and West—17.

So the vote was reconsidered.

The question then recurring on its adoption, it was decided in the affirmative.

On motion of Mr. Chamberlain,

Resolved, That the sergeant-at-arms of the Senate be authorised temporarily to employ another special deputy to subpoena certain witnesses before the committee of investigation of the Senate.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills, to-wit :

No. 19, (Senate) an act for the establishment of a state road in Fayette county;

No. 102, (House) an act repealing the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers, approved Feb. 12, 1841.

The following message was received from his Excellency the Governor by Mr. Kiersted, his private secretary :

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has this day approved and signed,

No. 17, an act for the establishment of a state road in Fayette county;

Which originated in the Senate.

On motion,

The Senate adjourned.

MONDAY, DEC. 27, 1841.

The Senate assembled.

The President laid before the Senate a communication from J. L. Williams, Esq., canal commissioner, in compliance with a resolution of the Senate, calling on him for information in relation to the "cost of the construction of the extension of the Wabash and Erie canal from Lafayette to Terre Haute," therein contained;

Which, on motion, was laid on the table, and 500 copies ordered to be printed.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House of Representatives has passed engrossed bills and joint resolutions thereof as follows:

No. 60, an act to amend an act entitled an act defining the duties of recorders, approved February 17, 1838;

No. 72, a joint resolution respecting fugitives from justice;

No. 78, an act supplemental to the act for the selection, rating, &c. of the Wabash and Erie canal lands;

No. 81, an act to provide for the election of a justice of the peace in the town of Jonesborough in Greene county;

No. 84, an act for the relief of owners of Indian reservation lands;

No. 86, an act to amend an act regulating the jurisdiction and duties of justices of the peace;

No. 90, a joint resolution to sell the six chain reservation;

No. 92, an act to vacate part of the town of Wilmington in Clinton county;

No. 93, an act to fix the time of holding the Marion circuit court;

No. 95, an act to exempt from taxation one hundred dollars worth of personal property;

No. 97, a joint resolution for the relief of Alexander Beard;

No. 98, an act to authorise Nathan Kirk to build a bridge on the Michigan road;

No. 101, an act to locate a state road;

No. 107, an act to provide for the election of a justice of the peace in Shielville, Hamilton county.

In which several bills and joint resolutions I am directed respectfully to ask the concurrence of the Senate.

The House has passed, without amendment, the following engrossed bills of the Senate, to-wit:

No. 26, an act to define more particularly the duties of the commissioner of the three per cent. fund in Daviess county;

No. 32, an act to repeal an act entitled an act incorporating the Washington county seminary, approved January 24, 1827;

No. 33, an act to provide for changing the time of holding the probate courts in the county of Orange;

No. 37, an act to legalise the proceedings of Hamilton Lapham as commissioner to survey and locate a state road from Lebanon in Boone county to Thorntown;

No. 64, an act changing the time of holding the Madison circuit court.

Bills Nos. 60, 72, 78, 81, 84, 86, 90, 92, 93 and 95, of the House, contained in said message, were severally read and ordered to a second reading on to-morrow.

Bill No. 67, of the House, in said message, was read a first time, and,

On motion of Mr. Moffatt,

The rules were suspended and the bill read a second time now and referred to the committee on canals and internal improvements on motion of Mr. Morgan.

Bills 98 and 101 of the House, named in said message, were read a first time and ordered to a second reading on to-morrow.

PETITIONS, MEMORIALS, &c.

Mr. Carnan presented the proceedings of a meeting of the citizens of Knox county, requesting the influence of their Representatives in procuring the passage of certain relief laws therein named;

Which, on his motion, was laid on the table.

Mr. Burke presented the petition of Daniel Burgess and others, praying to be relieved from the payment of corporation taxes on certain property therein named;

Which, on his motion, was referred to a select committee.

Ordered, that Messrs. Burke, Watts, Elliott and Hoover of Wayne compose said committee.

Mr. Harris presented the petition of the members of the Carroll

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Sixth Infantry Company, praying to be excluded from working on the public highways;

Which, on his motion, was referred to a select committee.

Ordered, that Messrs. Harris, Bright and Gregory compose said committee.

Mr. Chamberlain presented the petition of M. E. Dougherty and others, citizens of Elkhart county, praying for the passage of a law abolishing imprisonment for debt;

Which, on his motion, was referred to the committee on the judiciary.

Mr. Watts presented a communication from the board of directors of the Lawrenceburgh Branch of the State Bank of Indiana, in relation to the debt due the bank from the State; which,

On motion of Mr. Baird,

Was referred to the committee on the State Bank.

Mr. Miller presented a remonstrance from Willis Howe and many other citizens of Gibson county, against the passage of a law authorizing the stay of executions;

Which, on his motion, was laid on the table.

Mr. Bright presented a communication from Willis Hodges Esq. in relation to the financial affairs of the State,

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Bright, Chamberlain and West, compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Baird from the judiciary committee made the following report:

MR. PRESIDENT:

The committee upon the judiciary to whom was referred a resolution on the subject of requiring the circuit courts, when judgment is rendered against the principal, to enter judgment also against the security upon the appeal bond; have had the same under consideration and directed me to report the same back to the Senate with a recommendation of its indefinite postponement, as legislation thereon is deemed inexpedient by said committee.

The report was concurred in, and the matter indefinitely postponed.

Mr. Baird from the judiciary committee made the following report:

MR. PRESIDENT:

The committee upon the judiciary to whom was referred the petition of William M. Back and others, of Rush county, on the subject of a stay law, have directed me to report the same back to the Senate with a statement that the relief prayed for in said petition, or something nearly akin to it, is already provided for by bills which are before the

Senate. The committee therefore recommend that said petition be laid upon the table for the present, and that they be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Baird from the judiciary committee made the following report:

MR. PRESIDENT:

The committee upon the judiciary to whom was referred a bill of the Senate No. 53, entitled, a bill to amend an act entitled an act regulating the interest on money in the State of Indiana, have had the subject matter under consideration and directed me to report, that the committee are tied upon the propriety of the passage of said bill; they therefore ask the Senate to take possession of the same, and should the Senate become tied in relation thereto, they hesitate not to say, that the President thereof will with promptness settle the issue and give satisfaction to the country.

Your committee ask to be discharged from the further consideration thereof, and from a resolution on the same subject, for similar reasons, they ask to be discharged from its consideration.

Mr. Herriman moved to amend said bill by inserting the following words:

"Except on money loaned;" when,

On motion of Mr. Baird,

The bill and resolution contained in said report, with the proposed amendment, were referred to the committee of the whole and made the order business for Wednesday next.

Mr. Baird, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee upon the judiciary to whom was referred a bill of the House of Representatives, numbered 42, entitled "a bill to abolish imprisonment for debt," and also a bill of the Senate upon the same subject, have had them under consideration, and a majority of the committee unanimously instructed me to amend the bill of the House of Representatives by striking the same out from the enacting clause, and inserting the bill of the Senate in lieu thereof.

On motion of Mr. Baird,

The whole subject was referred to the committee of the whole Senate and made the order business for Thursday next.

Mr. Collins, from the judiciary committee, made the following report.

MR. PRESIDENT:

The committee upon the judiciary to which was referred bill of the Senate, No. 23, entitled, a bill to amend an act entitled an act con-

until such an evil shall arise and be complained of, the committee deem it unnecessary to interfere legislatively in their business.

The committee deem that legislation on the subject matter of said resolution would not be expedient, and they therefore ask to be discharged from the further consideration of the same.

On motion of Mr. Aker,

Said resolution was recommitted to a select committee.

Ordered that Messrs. Aker, Pitcher and Parker compose said committee.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Gregory, from the judiciary committee made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to whom was referred a preamble and resolutions of "a large meeting of the citizens of Washington county," have had the same under consideration, and in as much as all the subjects embraced in said resolutions except the subject of taxation are in some form before the Legislature, and as the origination of bills on the subject of taxation belongs by the constitution to the House of Representatives, they have therefore directed me to ask the Senate to discharge them from the further consideration thereof, and recommend that said preamble and resolutions be laid upon the table.

The report was concurred in, and the preamble and resolution laid on the table.

Mr. Gregory from the committee on the judiciary made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred resolution No. 41 of the Senate, requesting them to enquire into the expediency of enacting a law, making all trials had before a justice of the peace final when tried by jury when the sum does not exceed _____ dollars, have had the same under consideration, and are duly impressed with the importance and *magnitude* of the subject in the particular *form* in which it was referred to them,—they have therefore directed me to report a bill in *accordance* to said resolution.

Bill No. 75—To amend an act entitled "an act regulating the ju-

risdiction and duties of Justices of the Peace," approved, February 17, 1838;

Read a first time, and ordered to a second reading.

Mr. Harris from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to enquire into the expediency of reporting a bill prohibiting individuals by fines and penalties from carrying on or exercising the business of exchange brokers, such as dealing in bills of exchange, or buying or selling bank notes, or gold and silver, either for a premium or at a discount, have had the same under consideration, and instructed me to make the following report:

The committee cannot see that dealing in bills of exchange, or buying or selling bank notes or gold or silver, is *per se* a violation of any principle of sound morals; nor are they informed that the practice has been productive of such pernicious results to society that any legislative interposition is required. What peculiarity is there, the committee would ask, in a bank note, a mexican dollar or a spanish doubloon, that the purchase of them at a discount or the sale of them at a premium, should be a made a criminal offence, and that any one found guilty thereof should be punished by fine or imprisonment or both? Money is an article of value—when consisting of gold or silver, of intrinsic value—when of paper, of representative value; and the committee cannot see any more impropriety in purchasing or selling it, on such terms as the bargaining parties may agree upon, than there is in disposing of any other commodity. Should any of our citizens choose to engage in such an occupation, the committee cannot see that it would either be right or politic for the Legislature to make it a subject of cognizance by our criminal courts. The proper remedy for any evil arising from it, (if any there may be,) will be found in public opinion, not in legislative enactments.

The committee are therefore of opinion that no such bill as proposed by the resolution ought to be reported, and they therefore ask to be discharged from its further consideration.

The report was concurred in, and the committee discharged from the same.

Mr. Wright, from the judiciary committee made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the 15 section of an act regulating the jurisdiction and duties of justices of the peace, app. Feb. 17, 1838,

so as to allow the clerks of the several circuit courts longer time to record and make out copies of the fines which may be paid into them by justices of the peace, as contemplated by said act, and report by bill or otherwise,

Have had the same under consideration and directed me to report the following bill and recommend its passage:

Bill No. 76—to amend an act entitled “an act regulating the jurisdiction and duties of justices of the peace app. Feb. 17, 1838;

Read, and ordered to a second reading on to-morrow.

Mr. Wright, made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred bill No. 12, of the Senate entitled a bill to amend an act entitled “an act to regulate the taking up of animals going astray &c., have had the same under consideration and directed me to report the same back to the Senate without amendment, and recommend its passage;

The report was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Wright made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to whom was referred the following resolution:

“Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill subjecting to sale on execution property held by title bond, promissory notes, &c.,”

Have had the same under consideration and have directed me to report that legislation upon this subject is inexpedient, and ask to be discharged from the further consideration of this subject.

The report was concurred in and the committee discharged from the further consideration of the subject.

Mr. Stevenson, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom the following resolution was referred:

Resolved, That the committee on education be requested to inquire into and report to the Senate, if in their power so to do, the quantity of seminary lands in Gibson and Monroe counties unsold, and the amount of principal and interest owing for lands sold, for college and seminary purposes,

Have had the same under consideration. The committee addressed a note to the Treasurer of State, containing a copy of the resolution,

and have been informed by the Treasurer that there is nothing in his office by which the inquiries in the resolution can be answered.

The following extract is from the report of the Auditor of Public Accounts:

“As to the quantity of land yet unsold in either of the townships, (Gibson or Monroe) or the amount yet owing, either principal or interest, by the purchasers of those lands, I am unable to state.” No such information, it is believed, could be afforded by either of the public offices. Your committee, therefore, ask to be discharged from the further consideration of the subject.

The question being on concurring in the report and the discharge of the committee from the further consideration of the same, it was decided in the negative.

Mr. Gregory moved a reconsideration of the vote taken on the concurrence in Mr. Stevenson's report;

Which was reconsidered, and,

On motion of Mr. Watts,

Referred to a select committee, composed of Messrs. Watts, Berry, Miller, West and Cornett.

On motion of Mr. Parker,

The committee were instructed as follows:

To inquire into the expediency of creating a superintendent of common schools, who shall be paid a liberal salary out of the State Bank school fund, and whose duty it shall be to superintend all the education funds of the State, together with such other duties as may be deemed expedient; requiring him to report generally of his doings and investigations annually to the legislature.

Mr. Read, from the committee on the state prison, made the following report:

MR. PRESIDENT:

The standing committee on the state prison, to whom was referred so much of the Governor's message as relates to said prison, have had that subject under consideration and have directed me to report the following bill:

Bill No. 77, to amend an act entitled “an act for the regulation of the state prison,” approved February 3, 1841;

Read a first time and ordered to a second reading on to-morrow.

Mr. Chamberlain, from the committee on corporations, made the following report:

MR. PRESIDENT:

The standing committee on corporations, to whom was referred a petition praying for an amendment of the act to incorporate the Indiana Mutual Fire Insurance Company, have had that subject under consideration and have directed me to report the following bill and recommend its passage:

Bill No. 78, to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance Company," approved January 30, 1837;

Read a first time and ordered to a second reading on to-morrow.
Mr. Chamberlain made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill to repeal an act entitled an act to incorporate the town of Princeton, have had that subject under consideration, and inasmuch as said bill proposes the repeal of an act of incorporation, highly approve of its object and recommend its passage.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Bright, from the standing committee on corporations, made the following report:

MR. PRESIDENT:

The standing committee on corporations, to whom was referred a bill of the House of Representatives, No. 9, entitled a bill to incorporate the first Presbyterian church of Logansport, have had the same under consideration, and a majority of them directed me to report the same back to the Senate with the following amendment:

Add a 5th section as follows: This act be, and the same is hereby subject to repeal at any time. And with this amendment ask the passage of the bill.

Mr. Bright made the following report from the minority of said committee:

MR. PRESIDENT:

A minority of the standing committee on corporations to whom was referred a bill of the House of Representatives, (No. 9) entitled a bill to incorporate the first Presbyterian church of Logansport,

Have had the same under consideration and directed me to report:

That in their opinion, as full and ample provision is made for the rights and privileges of the various religious societies in this State (by virtue of an act for the appointment of trustees to receive deeds for lots or land given or purchased for the use of schools, meeting houses, or masonic lodges, app. Feb. 10, 1831,) as is consistent with the principles of a government, one of the constituent elements of which is, that every man shall worship God after the dictates of his own conscience. If the sole object of the bill is to promote the cause of christianity—the act above referred to affords every facility that Legislative action ought to afford—but if on the contrary the object of the association contemplated by the bill, is to mingle together commercial, agricultural, mechanical, and religious pursuits, or any of them, then

your committee would oppose the grant of a charter "on holy ground" as no good reason has, nor does your committee think can be assigned for vesting religious societies of every denomination, throughout the State with other or further powers than those heretofore provided on this subject. Your committee deem further Legislation on the subject matter of this bill, entirely unnecessary; therefore enter their dissent to the passage of the same.

JESSE D. BRIGHT,
E. M. CHAMBERLAIN.

The question being on concurring in the report of the majority of said committee,

It was decided in the affirmative, and said bill ordered to be engrossed and read a third time on to-morrow.

Mr. Dobson from [a] select committee made the following report:

MR. PRESIDENT:

The select committee to whom was referred an engross bill of the House of Representatives for the completion of the Wabash and Erie Canal from the mouth of the Tippecanoe river to Terre Haute, have had the same under consideration and have made several amendments thereto in which they ask the concurrence of the Senate.

1st. At the end of the 2d section add the following proviso:

Provided, that the contracts shall not exceed the average estimates made and reported by the locating engineer; and provided further, that the acting commissioner is hereby authorized to let so much of said canal as is put under contract, provided he can do so to any company at a price not exceeding the estimates made by the locating engineer above referred to.

2d amendment. Strike out the 3d section.

3d amendment. Strike out of the 4th section after the word engineer, "at the land office."

4th amendment. At the end of the 11th section, add the following proviso:

Provided, that the Treasurer of State shall have power to apply out of the first moneys received, such sum as may be necessary to procure books, plates, and such other contingencies as may be necessary to carry into effect the provisions of an act for which no higher allowance be made in proportion, than for executing the late issue of Treasury notes.

5th amendment. After the word "canal" in the 8th line of the 4th section, strike out the words "without interest" and insert bearing six per cent interest.

Mr. Sheets dissenting from so much of the report as relates to striking out the third section of said bill.

Mr. Chamberlain moved to amend by striking out the second proviso in the first amendment as reported by the committee.

Mr. Elliott moved to lay the bill and pending amendments on the table, and print 50 copies of the same.

Mr Eggleston called a division of the question;
The ayes and noes being demanded by Messrs. Moffat and Harris;

Those who voted in the affirmative were,

Messrs. Aker, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Eggleston, Elliott, Everts, Foster, Herriott, Hoover of Wayne, Kinzer, Morgan, Mount, Nave, Sands and Watts—17.

Those who voted in the negative were,

Messrs. Baird, Berry, Blair, Bradley, Bright, Carnan, Chamberlain, Collins, Davis, Dobson, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Miller, Moffatt, Parker, Pitcher, Read, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, West and Wright—28.

So the motion to lay on the table failed.

Mr. Elliott moved to recommit the bill and pending amendments to the committee of the whole Senate and make the same the order of business for Monday next;

Which motion was not adopted.

Mr. Chamberlain moved to amend the amendment pending as follows:

Strike out of the second proviso the words, "the entire canal," and insert, "so much of said canal as is put under contract;"

Which was adopted.

Mr. Bradley moved to amend as follows:

Provided, That the commissioner include in the first lettings the aqueduct and feeder dam over the following named streams: Shona, Cole, Mill and Sugar creeks, also the aqueduct over Raccoon creek;

Which motion did not prevail.

Mr. West moved to amend by striking out the word "average;"

Which was not adopted.

The question then being put, Shall the first amendment reported by the committee, as amended, pass? it was decided in the affirmative.

The question then being on the adoption of the second amendment proposed by the committee,

The ayes and noes were demanded by Messrs. Herriman and Harris.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Kinzer, Miller, Moffatt, Morgan, Pitcher, Read, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Watts, West and Wright—37.

Those who voted in the negative were,

Messrs. Carnan, Elliott, Gregory, Hoover of Wayne, Mount, Nave, Parker and Sheets—8.

So the amendment was adopted.

The question being on the adoption of the third amendment, as proposed by the committee, it was so adopted.

The question then recurring on the fourth amendment,

Mr. Collins moved to amend as follows:

"Nor shall the State be subject to any charge for the expense of issuing said scrip, but the same shall be defrayed out of said Wabash and Erie canal funds;"

Which amendment, as amended, was adopted.

The question then being on the adoption of the fifth amendment, reported by said committee, it was decided in the negative.

Mr. Eggleston moved to amend by striking out the fourth section of the bill.

Mr. Bright moved to lay the bill, as amended, on the table;

Which motion prevailed; and,

On motion of Mr. Parker,

Fifty copies were ordered to be printed.

Mr. Berry, from a select committee, made the following report:

Mr. PRESIDENT:

The select committee, to whom was referred bill of the Senate No. 45, entitled an act for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe, have had the subject matter therein contained under their consideration, and have directed me to report the same back to the Senate, with an amendment, which is to strike it out from the enacting clause and insert the following as a substitute, and recommend its passage:

Bill No. 45, for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe, as amended, was ordered to be engrossed for a third reading on to-morrow.

On motion,

The Senate adjourned.

TUESDAY, DEC. 28, 1841.

The Senate assembled.

The President laid before the Senate the following communication from the board of internal improvement :

INDIANAPOLIS, Dec. 27, 1841.

HON. SAMUEL HALL,
President of the Senate:

SIR : The undersigned respectfully requests of you the favor to lay the enclosed communication before the honorable body over which you preside.

With high regard,
Your obedient servant,
J. L. WILLIAMS.

To the Senate of Indiana :

The attention of the undersigned, members of the board of internal improvement, has been called to a preamble and resolution, adopted by your honorable body on the 22d instant, and in reference to which they feel impelled, by a sense of duty to themselves, respectfully to submit the following statements :

The preamble and resolution to which they refer are as follows :

" *Whereas*, The board of internal improvement have continued a most extravagant system of expenditures for repairs upon works which are unfinished, and which can, in all human probability, never be finished nor rendered of any public utility whatever; and, whereas, an unnecessary number of engineers, superintendents, &c. have been employed at high and extravagant salaries, such as is by no means justified by any condition of things now known to exist, and for the purpose of putting an effectual stop to such a state of things as is now known to exist, therefore, resolved," &c.

By the adoption of the preamble above recited, your honorable body has pronounced to the world its deliberate judgment that the undersigned, in the discharge of their official duties, "*have continued a most extravagant system of expenditures for repairs upon works which are unfinished, and which can, in all human probability, never be finished nor rendered of any public utility whatever.*" Also, that "*they have employed an unnecessary number of engineers, superintendents, &c.*;" and that such persons "*have been employed at high and extravagant salaries.*"

These charges of high official misconduct, if true, must necessarily induce the belief that the undersigned have grossly abused the confidence which has been reposed in them; and being presented to the

world endorsed by the Senate of the State, they are eminently calculated to direct the public indignation against those who are thus broadly and summarily condemned.

That the undersigned are at all times amenable to the legislature and to the country for the manner in which their public duties are discharged, they freely concede; but that they should be denounced without proof, condemned without a trial, and held up to the odium of the public without an opportunity of being heard in their defence, is, as they humbly conceive, a violation of those immutable principles of justice by which every tribunal should be governed which sits in judgment upon any citizen of the community.

Being fully confident that the censure contained in the preamble referred to is unmerited, and believing that your honorable body has been induced to adopt it by a misapprehension of facts, the undersigned would beg leave to submit for your consideration a history of their operations connected with those matters to which the preamble refers.

It will be seen by reference to the annual report of the board, dated 6th Dec. 1841, that the amount paid for repairs during the year, including on each line, the pay of all superintendents is stated as follows:

On the Wabash and Erie Canal from the State line to Lafayette, there has been paid \$13 567 32. This canal forms the only thoroughfare for transportation and travel between the Wabash valley and Fort-Wayne and thence to lake Erie; and mills have been in operation at various points, the supply of water for which has been provided by the State. That it was the duty of the board to keep it in good repair we presume is not questioned.

On the White Water canal from Brookville to Lawrenceburg, the sum paid for repairs is \$3 583 33. This portion of the canal has been used for navigation during the year, and a large amount of water power leased by the State, has been supplied. We cannot presume that the Senate considered it the duty of the board to suffer the navigation of this canal to be abandoned, and the operations of the various mills upon the line to be suspended, by a neglect to keep the work in repair.

On the Indianapolis division of the Central Canal, \$1 950 has been expended for repairs. On this division numerous mills and factories are in successful operation, as stated in the annual report, under leases entered into in pursuance of law. A failure to keep the canal in repair would justly have subjected the State to a demand for damages on the part of those who have made large investments in mills and manufacturing establishments, on the faith of her stipulations to supply them with water power.

On the New Albany and Vincennes road \$1 300 has been expended for repairs. By an act of the Legislature approved Feb. 22d, 1840, it is required that this road should be kept in repair, both on the finished part east of Paoli, and also on the unfinished part between Paoli and Mount Pleasant; and a superintendent for that purpose was appointed. The undersigned conceive that in making this expenditure they have

only obeyed a positive requisition of the law, for which they presume the Senate will not consider them entitled to censure.

On the southern division of the Central Canal, there has been paid for repairs \$523 06. The act above referred to, provided for the repairs upon this work, and appointed a superintendent under whose direction they should be made; and it was in settlement with that superintendent for repairs made last year, as directed by an act of the Legislature approved Jan. 20th, 1841; that the greater part of this payment was made.

On the Madison and Indianapolis Railroad there has been paid for repairs, \$3,748 16. As the last General Assembly provided by law for the extension of this road to Edinburgh, we presume it can hardly be conceived that the board should have suffered the cars to cease running on the finished part for want of the small expenditure necessary to keep the track in order. But whatever may be thought of the propriety of keeping up the road, in reference to that matter, no discretion was confided to the board. The "act for the protection of the Madison and Indianapolis Railroad and the collection of tolls thereon," approved February 14, 1839, directs the preservation of the road and the collection of tolls, and prescribed the manner in which repairs are to be paid for. Had these positive injunctions of the law been neglected, the board would justly have been subjected to the charge of a gross neglect of duty.

On the Cross-cut canal there has been paid for repairs the sum of \$8,803 63. This expenditure was found indispensable to prevent the entire destruction of the Eel river dam, a work which, with the guard lock and extension guard bank connected therewith, had cost the State near sixty thousand dollars, and without which, this canal, if ever finished, could have no supply of water. These repairs were commenced under a previous contract, made in July, 1840. When the acting commissioner on that line first visited this dam, in the month of June last, he found it necessary to continue the work in order to prevent the loss of the dam. The fourth section of the act filed February 15, 1840, generally called the treasury note law, provides for the expenditure of treasury notes for the purpose of securing from dilapidation any portion of the public works. This provision was evidently designed to secure from destruction important and costly structures like the one here referred to, and the board believed the expenditure to be called for alike by their duty under the laws and by the public interest. This view of their duty was confirmed beyond question by the fact that the legislature, at its last session, provided for the completion of this canal, by an act approved January 30, 1841, the conditions of which act the citizens of Vigo county were ready to comply with, so far as it depended upon them. The failure to secure this dam would have been equivalent to an abandonment of the entire canal, on which four hundred and twenty thousand dollars had been expended. A decision involving such important interests the board believe was not within their discretion. And a refusal to make

these repairs, they conceive, would have been, on their part, a palpable neglect of duty.

It may be that some portions of the public works should be abandoned rather than that further expense in their repairs should be incurred; but, under existing laws, no power is delegated to the board to determine which shall be abandoned to entire destruction, and which preserved. This high discretion, they humbly submit, can only be exercised by the law-making power.

The repairs here enumerated are all that have been made. For which of them we have been so summarily condemned by your honorable body, we are at a loss to conceive.

On this subject the undersigned would beg leave to state, that the average annual cost of repairs on the Ohio canal, for a series of years, as gathered from official documents, has been two hundred and fifteen dollars per mile, and the Miami canal one hundred and seventy-five dollars per mile. On the New York and Pennsylvania canals the cost of repairs is greater than of those in Ohio. For the past year the expense of repairs on the Wabash and Erie, the Central and White-water canals, so far as they have been in use, an aggregate distance of two hundred and seven miles, averages only ninety-five dollars per mile, including the pay of all superintendents. In view of these facts the undersigned, with great deference, submit to the Senate whether the system of repairs adopted by them, can, with propriety, be designated "*most extravagant*."

We have shown that by positive enactments of the Legislature, as well as by the various contracts which have been made by the State for furnishing water power, the undersigned have been left without discretion, in regard to the propriety of the expenditures which have been made; and that those expenditures have been much less than the cost of repairs on similar works in adjoining States. The Senate, we presume, does not entertain the opinion that roads and canals can be kept in use without expense. Reports have heretofore been made to the Legislature at different times by one of the undersigned, in which the usual average cost of repairs on canals and roads per mile has been estimated at more than twice the sum paid for this purpose during the past season.

While the board have regretted the necessity of this constant expenditure for repairs on works which are yielding but little profit, they have seen no means of avoiding it without abandoning the works to destruction; and they take this occasion to express the opinion founded upon an intimate acquaintance with the subject, that if the canals and roads are to be kept in operation as heretofore, no material reduction can be made in the annual cost of repairs, further than what will result from a change of times.

The second specification in the charge contained in said preamble is that of employing "*an unnecessary number of engineers and superintendents*."

In regard to this charge the undersigned would observe, that they are fully impressed with the belief, that in no case has any individual

been employed, whose services were not necessary to the public interest. The correctness of this opinion is corroborated by the fact that the cost of repairs, including the salaries of all superintendents, is so much below the average in other States.

The third and concluding specification in the preamble, is that these agents "*have been employed at high and extravagant salaries.*"

By an act of the Legislature approved February 22d, 1840, for the protection of the New Albany and Vincennes road, a superintendent was appointed on said road with a salary fixed by law at \$400 per year. Since the repeal of that law at the last session, the board have paid the superintendent on this road but \$150.

By the same act a superintendent was appointed on the southern division of the central canal, with a salary of \$200 per year. For the same services the board has paid \$150 since the repeal of that act.

The law providing for the assessment of damages to property on the several lines, and for the assessment of damages to contractors for relinquishing their work, fixes the compensation of arbitrators at \$3 per day. This standard of allowance has not been exceeded in the paying of any officer or agent, except in one case of a resident engineer, (for which the board are ready to furnish ample reasons connected with the public interests) while a large majority of the persons employed on the public works have been paid much less.

The undersigned could not have supposed that for the payment of compensation averaging considerably less than the sums designated by the Legislature as an equivalent for services less arduous and responsible than those performed under the direction of the board, they would have been condemned by the Senate and held up to the indignant gaze of the country for the payment of "*high and extravagant salaries.*"

That their motives may not be misconstrued, the undersigned would suggest that no feelings of dissatisfaction in consequence of the adoption of the resolution by the Senate has prompted this communication of the determination manifested by the Senate to dispense with the office heretofore filled by one of the undersigned, they cordially approve. On all suitable occasions they have expressed the opinion, that in the present suspended state of the public works, a reorganization upon some plan better adapted to the present state of the improvements might be adopted.

It is to the reasons assigned for the adoption of the resolution, as set forth in the preamble that they beg leave most respectfully to object. It is against the principle of condemning without a hearing—of assuming official misconduct without evidence, and without giving those charged an opportunity of explanation—of placing upon the journals of the Senate, charges affecting the integrity of public officers, with the endorsement of that honorable body, without an opportunity of disproving them being afforded, that the undersigned feel themselves constrained to remonstrate.

The undersigned have embodied in this communication a history of their operations relative to those matters to which the preamble refers. They would be happy to have instituted by the Senate the most rigid

scrutiny into their truth. If upon examination they shall be found to merit the censure of the Senate, they will bear it without murmur or complaint.

As a matter however of common justice they conceive that before a sentence of condemnation, broad and sweeping in its character, and calculated to affect their reputation as officers and men, should be passed against them, the right of being heard in their defence should be conceded, and an opportunity should be afforded of presenting such evidence and explanations as might be calculated to remove the imputations which have been made. Inasmuch however as your honorable body has seen proper to adopt a different course, and as the censure contained in the preamble referred to, has been spread upon your journals, thus becoming an enduring record, the undersigned would respectfully ask that this communication, containing an explanation of those acts which have been complained of, may be placed upon your journals, that the country in making up its judgment upon the sentence of condemnation which has already been passed, may have before it the explanations of those acts which have been thus broadly censured and denounced.

Respectfully submitted,
PHILIP MASON,
J. L. WILLIAMS.

Indianapolis, December 27, 1841.

Mr. Stevenson moved to lay said communication on the table, and print 2000 copies.

Mr. Herriman called for a division of the question.

The question being on laying said communication on the table, it was decided in the affirmative.

The question then recurring on the printing of 2000 copies.

Mr. Chamberlain called for a division of the question.

The question then being on printing;

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Collins, Eggleston, Elliott, Everts, Hoover of T., Morgan, Mount, Parker, Stevenson, and Watts—11.

Those who voted in the negative were,

Messrs. Angle, Baird, Berry, Blair, Bradley, Burke, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Cornet, Davis, Dobson, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Miller, Moffatt, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Tannehill, and West—37.

So the motion to print was not adopted.

Mr. Chamberlain moved to suspend the rules for the purpose of granting him leave to introduce the following resolution:

Resolved, That the Senate regard the communication of Jesse L. Williams, just read, as supercilious, impertinent, and disrespectful to this body.

Which motion did not prevail.

Mr. Eggleston moved to re-consider the vote taken on the adoption of the preamble and resolution introduced by Mr. Stevenson.

The ayes and noes were demanded by Messrs. Chamberlain and Herriman

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Walpole, Watts, and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear, Stevenson, Tannehill, and West—19.

So the motion to re-consider was adopted.

Mr. Eggleston moved to re-consider the vote taken on striking out the preamble from said resolution.

Mr. West moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. West and Chamberlain,

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Hatfield, Herriman, Hoover of W., Kinzer, Nickel, Parks, Read, Roberts, Sinclear, Stevenson, Tannehill, and West—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of T., Miller, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Watts, and Wright—30.

So the motion to lay on the table was not adopted.

The question then being on the re-consideration of the vote taken upon striking out the preamble from the resolution.

The ayes and noes were ordered by Messrs. Chamberlain and Herriman,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornet, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Tannehill, Watts, and Wright—31.

Those who voted in the negative were,

Messrs. Bright, Carr of J., Carr of L., Chamberlain, Davis, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear, Stevenson, and West—17.

So the motion to re-consider prevailed.

The question being on striking out the preamble from the resolution,

The ayes and noes were ordered by Messrs. Chamberlain and —

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Burke, Carnan, Collins, Cornet, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Tannehill, Watts, West, and Wright—33.

Those who voted in the negative were,

Messrs. Bright, Carr of J., Carr of L., Chamberlain, Davis, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear, and Stevenson—16.

So the motion to strike out prevailed.

On motion of Mr. Baird,

The resolution was amended, so as to require the committee to inquire into the expediency, and so adopted as amended.

The President laid before the Senate the following communication, from his excellency the Governor:

EXECUTIVE DEPARTMENT,
December 27, 1841. }

HON. SAMUEL HALL,

President of the Senate:

Enclosed I have the honor to transmit to be laid before the Senate, resolutions of the State of Vermont, in favor of restricting the eligibility of the President of the United States to a single term.

I am, sir, yours,

Most respectfully,

SAMUEL BIGGER.

Mr. Chamberlain moved to lay said communication on the table, on which proposition

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear and West.—19.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T. Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright.—30.

So the motion to lay on the table was not adopted.

On motion of Mr. Collins,

Said communication was referred to the committee on federal relations.

Mr. Bright moved to instruct said committee as follows:

To report a bill disqualifying Capt. Tyler from holding the office of President of the United States a second term.

On motion the Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M.

The Senate assembled,

And resumed the consideration of the instructions proposed by Mr. Bright.

Mr. Stevenson moved to amend said instruction by including "Martin Van Buren."

On motion of Mr. Miller

Said instructions and proposed amendments were laid on the table.

Mr. Chamberlain moved to instruct the committee as follows:

To report a joint resolution declaring that the people have an unalienable right to elect whom they please for their President, and as of ten.

Mr. Angle moved to strike out the word "unalienable;"

Which did not prevail.

Mr. Parker called for a division of the question.

The question then being on instructing

The ayes and noes were demanded by Messrs. Chamberlain and Herriman:

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Hatfield, Herriman, Hoover of W., Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill and West.—19.

Those who voted in the negative were,

Messrs. Aker, Baird, Carnan, Collins, Cornett, Eggleston, Everts, Gregory, Harris, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Sands, Sheets, Stevenson, Watts, and Wright.—22.

So the Senate decided not to instruct.

The following message was received from the House of Representatives by J. Brown, Esq., their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed engrossed bills and joint resolutions thereof, as follows:

No. 10—an act to repeal part of the 18th section of "an act pointing out the mode of levying taxes" approved February 12th, 1841.

No. 75—an act to amend an act entitled "an act authorizing aliens and foreigners to hold real estate within the State of Indiana," approved January 14th, 1818.

No. 88—an act to incorporate the Muncietown and Fort Wayne railroad company.

No. 89—a joint resolution in relation to Green river island.

No. 104—an act to locate a state road in Hancock and Hamilton counties.

In which several bills and joint resolutions I am directed most respectfully to ask the concurrence of the Senate.

The Speaker of the House has also signed the following enrolled memorial and joint resolution, to wit:

No. 46—a memorial and joint resolution on the subject of the National road.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Bills Nos. 10, 75 and 88, of the House, named in said message, were severally read a first time and ordered to a second reading on to-morrow.

Joint resolution No. 89, of the House, in said message, was read, and,

On motion of Mr. Miller,

The rules were suspended, the bill read a second time and referred to the committee on federal relations.

Bill No. 104, of the House, in said message ;

Read a first time and ordered to a second reading on to-morrow.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Nave presented instructions from his constituents in regard to relief laws, &c. ;

Which were read, and, on his motion, referred to the standing committee on finance.

Mr. West presented a memorial from the trustees of the Indiana University, respecting the funds of said institution and other matters therein contained.

Mr. Miller moved to lay said memorial on the table and print 100 copies ;

Which motion did not prevail.

Mr. Cornett moved to refer the same to a select committee ;

Which motion prevailed.

Ordered, That Messrs. Cornett, West and Berry compose said committee.

Mr. Angle presented the petition of John Patterson of Boone county, praying for relief ;

Which, on his motion, was referred to the committee on claims.

Mr. Parks presented the petition of William S. Bowls and others, praying for relief ;

Which, on his motion, was laid on the table.

Mr. Pitcher presented the petition of the board of commissioners of Pike county, praying relief for George Chamber, agent of the surplus revenue fund of said county ;

On his motion, referred to a select committee.

Ordered, That Messrs. Pitcher, Miller and Carr of Jackson compose said committee.

On motion of Mr. Pitcher,

The vote on his petition was reconsidered ; and

On motion of Mr. Miller,

Laid on the table.

Mr. Angle presented a memorial from D. M. McConnally, praying for relief ;

Which, on his motion, was referred to the judiciary committee.

Mr. Cornett presented the petition of William Blackwell and others of Ripley county, in relation to a road therein named, and the remonstrance of George W. Hunter and others in relation to the same ;

Which, on his motion, was referred to the committee on canals and internal improvements.

REPORTS FROM STANDING COMMITTEES.

Mr. Harris, from the judiciary committee, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to which was referred a bill of the Senate No. 13, a bill to repeal a part of a certain act therein named, have had the same under consideration, and have instructed me to report the same back with the following amendments, in which they ask the concurrence of the Senate, to-wit :

1st. Before the word "fifth" insert the word "fourth."

2d. Strike out the word "section" wherever it occurs, and insert "sections ;" and strike out the word "is" in the 8th line, and insert "are."

3d. Amend the title of the bill by striking out the words "a part" and insert the word "parts."

With these amendments the committee recommend the passage of the bill.

The report was concurred in and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Baird, from the committee on canals and internal improvements, made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements, to whom was referred a joint resolution of the House of Representatives for the relief of Alexander Beard, have had the same under consideration, and directed me to report the same back to the Senate and recommend its passage.

Joint resolution No. 97, of the House, for the relief of Alexander Beard,

On motion of Mr. Mount,

Was recommitted to the committee on canals and internal improvements, with the following instructions by Mr. Watts :

"To call before them the engineer making out the estimate to the contractor for work done, for the purpose of fully explaining to said committee all the facts connected with the transactions."

Mr. Dobson, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred an engrossed bill of the House of Representatives No. 61, for the relief of Patrick Rush, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in and the bill read a third time and passed.

Mr. Dobson, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred an engrossed bill of the House of Representatives No. 58, for the relief of Patrick Eagan, have had the same under consideration, and have directed me to report it back and recommend its passage.

The report was concurred in and the bill read a third time and passed.

REPORTS FROM SELECT COMMITTEES.

Mr. Moffatt, from a committee for that purpose, made the following report :

MR. PRESIDENT :

The select committee to whom was referred a bill of the House of Representatives for locating a state road in Clay county, have had the same under consideration, and directed me to report the same back without amendment and recommend its passage.

The report was concurred in, the bill read a third time and passed.

Mr. Parker, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred bill No. 31, of the Senate, "applying certain funds therein named to purposes of education" have had the same under consideration and have directed me to report the following amendment to said bill, to-wit: strike it out from the enacting clause and insert the bill herewith reported. The committee are unanimously of the opinion that the passage of a law like that contemplated by this bill will result in much good. It will annually create in each county, a large educational fund out of means which it is believed would otherwise go into the pockets of those who have very little, if any good cause for appropriating them. "Many baskets full" of these crumbs may be thus gathered up to fatten the minds of the children! This is deemed a much more commendable use of the funds than to leave them to rust, or to pamper the bodies of those in whose hands they may otherwise fall. Your committee therefore respectfully urge the passage of the bill.

The report was concurred in, the bill read as amended, ordered to be engrossed and read a third time on to-morrow.

RESOLUTIONS.

On motion of Mr. West

Resolved, That the judiciary committee enquire into the expediency of supplying the several counties of the State with the road laws in pamphlet form, and report by bill or otherwise.

On motion of Mr. Stevenson

Resolved, That the committee on finance be instructed to enquire into the expediency of appointing an agent to make out a proper number of tract books of each of the seminary townships, and of each of the saline reservations, marking the lands sold and paid for; sold and yet unpaid for; and those yet unsold.

Resolved, That said agent be authorized to examine the commissioner's book, and ascertain the amount of all sales heretofore made; the amount of interest on the same to this date; the amount of all rents of saline or seminary lands; the amount of any of these funds that may have been paid out, and for what purpose; and that the said agent ascertain the cost of college buildings, and every other expense necessary to a complete posting up of these entire accounts, in the most satisfactory manner, and that a report of the same be laid before the next General Assembly.

Resolved further, That said committee inquire into the expediency of requiring the tuition fees of the Indiana University to be paid by the treasurer of said University, into the state treasury, and that all payments to said University for salaries, repairs to buildings, and every other expenditure necessary on account of said college, be audited by the auditor of public accounts, and paid out by the treasurer of state as other claims against the State, so that the condition of these funds can be ascertained hereafter by the officers of state at the Seat of Government, with leave to report by bill or otherwise.

Mr. Herriman offered for adoption the following resolution:

Resolved, That the committee on federal relations to whom was referred joint resolutions from the Legislature of Vermont on the subject of a "one term President," be instructed to report a resolution requesting his Excellency the Governor to forward copies of said joint resolutions to so many of the Governors of the several States as are not mentioned in said joint resolution, and to inquire into the expediency of the payment by his Excellency of postage on such communications at the public expense; and further, to inquire into the validity of any Legislative act of the State of Vermont, or what purports to be their Legislative action, but which is neither dated, signed by the Speaker of the House, President of the Senate, or approved by the Governor.

Which was not adopted.

On motion of Mr. Stevenson

Resolved, That the committee on finance be instructed to inquire into the expediency of collecting and disposing of, in some proper manner, the bonds of the State, now in the hands of any of the agents of the States, with leave to report by bill or otherwise.

On motion of Mr. Watts,

Resolved, That the standing committee on roads be requested to inquire into the expediency of providing by law for the appointing a general supervisor of roads in each township, whose duty it shall be to settle with the supervisors of roads and report all delinquent supervisors in the several townships, to the grand juries of the several counties.

Mr. Collins offered the following :

Resolved, That the committee on agriculture be directed to inquire into the expediency of reporting a bill to the Senate, so modifying the estray law of 1841, as to make it the duty of the several county clerks, to transmit the advertisement and money left with them for the printers, to the publisher of the newspaper of general circulation nearest the county seat of the county in which such estray may be posted, or property taken up.

Mr. Chamberlain moved to amend by inserting "in the nearest paper with the greatest circulation ;"

The question then being on the adoption of the resolution it was decided in the affirmative.

On motion of Mr. Sands the following preamble and resolution were adopted :

Whereas, The eleventh section of an act prescribing the duties of county auditor, approved February 12, 1841, provides that all accounts, debts and demands not otherwise provided for shall be settled and allowed by the said county auditor ; therefore be it

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law wherein persons may feel themselves aggrieved by any of the acts of the said county auditor, the right to an appeal to the board doing county business, or to some other tribunal that would exercise a controlling influence.

On motion of Mr. Angle

Resolved, That the committee on the judiciary inquire into the expediency of authorizing the several agents of the surplus revenue in the counties in this State, where they have bid off land on judgments and decrees, in favor of the State, to sell the same upon any convenient opportunity for such sum of money as will secure to the State the amount due, with interest and cost, or to lease the same until an opportunity occurs for selling.

On motion of Mr. Morgan,

Resolved, That the committee on canals and internal improvements, be requested to inquire into the expediency of authorizing the sale of the materials procured for the public works, instruments, books, and office furniture employed in the public service, with leave to report by bill or otherwise.

On motion of Mr. Nave

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the present road law, that it shall be made the duty of each supervisor in the State, within his district, to cause to be cut down all the dead trees which may be within sixty

feet of the roads in their respective road districts, which if suffered to stand, would endanger the life, or lives, of individuals passing along such road, with leave to report by bill or otherwise.

On motion of Mr. Harris,

Resolved, That the Senate (the House concurring therein) will, on Monday, the 3d of January next, proceed to the election of a director of the State Bank, in place of Jacob Walker, whose term of office will expire during the present session.

On motion of Mr. Everts,

Resolved, That the committee on education be instructed to inquire into the propriety of making an annual distribution of the interest arising from the saline fund, equally to the four independent colleges of this State, viz : The Wabash, the Hanover, the Baptist Manual Labor Institute and the Methodist Colleges.

On motion of Mr. Harris,

The vote on the adoption of said resolution was reconsidered ; when

Mr. Bright moved to amend by including the Indiana University ; Which was agreed to.

On motion of Mr. Chamberlain,

The Lagrange Collegiate Institute was also inserted.

On motion of Mr. Watts,

The Dearborn county seminary was also inserted.

On motion of Mr. Shanks,

All the county seminaries within the State were included in said resolution.

On motion of Mr. Read,

Said resolution, as amended, was laid on the table.

Mr. Herriman offered the following :

Resolved, That the committee on federal relations, to whom was referred a joint resolution from the Legislature of Vermont, on the subject of the one term President, be instructed to report a resolution requesting his Excellency the Governor to forward copies of said joint resolution to so many of the Governors of the several States as are not mentioned in said joint resolution ;

Which,

On motion of Mr. Collins,

Was laid on the table.

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit :

No. 4, an act in relation to the jurisdiction of justices of the peace in Madison county ;

No. 7, an act to extend the time of holding probate courts in Knox county ;

No. 16, an act to amend an act regulating the time of holding courts in the second judicial circuit of this State ;

No. 20, an act to legalise the election of probate judge of Laporte county and for other purposes ;

No. 21, an act to regulate the jurisdiction of justices of the peace in Hamilton county ;

No. 43, an act for the relief of Elijah P. Hudson ;

No. 100, an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills and resolutions, and find them truly enrolled, being bills and a joint resolution of the Senate, to-wit :

No. 19, an act for the relief of certain persons therein named ;

No. 27, an act to vacate an alley in the town of Lebanon, Boone county ;

No. 18, an act to repeal a portion of a joint resolution on the subject of the Michigan road lands ;

No. 50, a joint resolution for the benefit of the citizens of the reserved township in Gibson county.

On motion,

The Senate adjourned.

WEDNESDAY, DEC. 29, 1841.

The Senate assembled.

The President laid before the Senate a communication from S. M. Leavenworth, President of the Leavenworth and Bloomington Railroad Company ; which,

On motion of Mr. Eggleston,

Was referred to the committee on canals and internal improvements.

The following message was received from the House of Representatives by J. F. Brown, Esq., their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills of the Senate as follows :

No. 1, an act to repeal part of the revenue laws now in force in the State of Indiana ;

No. 62, an act to amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841.

The first with two amendments, in which the concurrence of the Senate is respectfully asked.

The House has also passed engrossed bills thereof as follows :

No. 108, an act to vacate the town of Benton in Hancock county ;

No. 110, an act for the relief of the owners of certain lots in Indianapolis ;

In which I am instructed most respectfully to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed the following enrolled bills thereof, to-wit :

No. 4, an act in relation to the jurisdiction of justices of the peace in Madison county ;

No. 7, an act extending the time for holding the probate courts in Knox county ;

No. 16, an act to amend an act regulating the times of holding the circuit courts in the second judicial circuit of this State, approved February 10, 1841 ;

No. 20, an act to legalise the election of the probate judge in Laporte county ;

No. 21, an act to regulate the jurisdiction of justices of the peace in Hamilton county ;

No. 43, an act for the relief of Pliny Hudson ;

No. 100, an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes ;

Which I am directed to bring to the Senate for the signature of the president thereof.

Whereupon, the President signed the same.

Bill No. 1 of the Senate, in said message, was read ; and,

On motion of Mr. Parker,

Laid on the table.

Bills Nos. 108 and 110 of the House, contained in said message, were read a first time and ordered to be engrossed for a third reading on to-morrow.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor, for his approval and sig-

nature, the following enrolled bills of the House of Representatives, to-wit :

No. 4, an act in relation to the jurisdiction of justices of the peace in Madison county ;

No. 7, an act extending the time for holding the probate court in Knox county ;

No. 16, an act to amend an act regulating the times of holding the circuit courts in the second judicial circuit of this State, approved February 10, 1841 ;

No. 20, an act to legalise the election of the probate judge of La-porte county ;

No. 21, an act to regulate the jurisdiction of justices of the peace in Hamilton county ;

No. 43, an act for the relief of Pliny Hudson ;

No. 100, an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have compared the following engrossed with the enrolled bills, originating in the Senate, and find them correctly enrolled, to-wit :

No. 26, an act to define more particularly the duties of the commissioner of the three per cent, fund in Daviess county ;

No. 32, an act to repeal an act entitled an act incorporating the Washington county seminary, approved January 24, 1827 ;

No. 33, an act to provide for changing the time of holding the probate courts in the county of Orange ;

No. 37, an act to legalise the proceedings of Hamilton Lapham as commissioner to survey and locate a state road from Lebanon in Boone county to Thorntown ;

No. 64, an act changing the time of holding the Madison circuit court.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have examined the following engrossed bill and joint resolution with the same as enrolled and find them correctly enrolled ; said bill and joint resolution originating in the House of Representatives, to-wit :

No. 64, an act locating a state road in Clay county ;

No. 97, a joint resolution for the relief of Alexander Beard.

REPORTS FROM STANDING COMMITTEES.

Mr. Parker, from the committee on finance, made the following report :

MR. PRESIDENT :

The standing committee on finance, to whom was referred bill, No. 1, of the House, abolishing the state board of equalization, and bill, No. 10, of the Senate, reorganizing said board, with instructions to enquire "whether the present board of equalization may not be done away with, and a board be constituted on different and more expedient principles," and also a petition from sundry citizens of Posey county, asking that the law constituting said board be repealed, have had the whole subject under consideration, and have directed me to report, that they are well satisfied that the public mind has been much abused and is still laboring under great misapprehensions in reference to the object and duties of the state board of equalization, as constituted under the late law.

Had the committee no other evidence of this fact, the petition aforesaid, presents evidence, that is not only conclusive, but astonishing, if it can be supposed that any of the one hundred and sixty odd persons who signed said petition, ever saw the law which they denounce as being "entirely inconsistent with the genius of free republican institutions." These petitioners say that they have examined with surprise and regret that portion of the law, passed by the Legislature at its last session, which, under the name of a state board of equalization, establishes a board of eleven men, not elected by the people, nor responsible to them, yet clothed with unlimited power, to increase the appraisal of real estate," and consequently, say the petitioners, "to increase the taxes of the whole State, or of any county therein at pleasure." "Such a board," they further say, "with such arbitrary powers is a direct and dangerous encroachment on the liberties of the people," "because," say they "to double the valuation of taxable property, is in effect to double the tax itself."

It is obvious from these extracts from the petition, that the signers were under the impression that the board of equalization has it in their power to increase or diminish the taxes to be imposed upon the people "at pleasure," and that raising the valuation of the property in the State, is raising the taxes. This is a most erroneous impression of the office and effect of that board.

It is conceded by every one that the land tax ought to be equal—not absolutely equal, but relatively so. For instance if a valuable public work runs through, or convenient to, a county—the average valuation of the land in that county, for taxable purposes, ought, all other things being equal, to be higher, than the valuation of a county lying remote from any such work. The same remark is applicable to a county upon a navigable stream, when compared with one, in all other

respects equal, but lying remote from any such advantage. So in all other cases of artificial or natural advantage.

But the history of all the land valuations that have ever been had in the State, with a view to taxation, is an exhibition of the most palpable and astonishing departures from this relative equality. This is not the opinion and expression of one man or of a limited number, but of every body who has examined the valuation returns with even superficial attention. The tables of average assessments for several years past, presented to this General Assembly by the auditor of State in his annual report, abound in glaring instances of the most iniquitous inequalities.

To remedy such inequalities, other States, and particularly Ohio, from whom we have, with much fidelity copied our new revenue system, have been compelled, occasionally, say once in every five years, to resort to a state board of equalization. For this purpose, all the appraisements of real estate that have been had in the several counties of this State, during the last season, have been ordered for a basis of land taxation. And to the end that this taxation may be relatively equal and truly republican, all these appraisements are, in the first place, required by law to be returned to the county auditors—abstracts of them are then, after having been corrected by the county board of equalization, required to be returned to the auditor of State in time to be laid before the state board of equalization. The county board equalize the farms—the state board equalizes the counties.

This board is composed of one member from each judicial circuit in the State; and before entering upon their duties, they are required to be sworn to faithfully and honestly discharge the duties assigned them. This they will do, not by looking to see whether this farm or that farm has been appraised too high or too low—that belongs to the county authorities—but they will find the average of each county, and then look to its position on the map of the State, in reference to all State or National improvements, navigable streams, in a word to all its natural or artificial advantages, and then say whether the average appraisement of the county, is such as it should be in the whole family of counties, all things considered. If all is right, the auditor of state will so report to the county auditor. If its deemed that one county is appraised upon an average too high, a reduction of the proper per cent. will be made, and a like per cent. will be added to some other county, or it may be distributed amongst several other counties, that are thought to be rated too low. These facts will in like manner be reported to the county auditors, who will then correct the county appraisements, by adding or subtracting as the case may require, the designated per cent. to each tract of land returned by the appraiser. Such is the principle upon which the board will act. This adjustment will then stand from year to year; all future expense of appraisement and state board of equalization being at an end, until the Legislature may think that the local changes in the State, render a new appraisement and board of equalization, expedient.

The appraisement and equalization being thus settled, the Legislature then has a fixed basis upon which to make all subsequent calculations as to a land tax. A certain sum of money is to be raised, say \$300 000; the basis being fixed, a simple arithmetical calculation will indicate to the Legislature what per cent will raise the sum. If twice that sum is to be raised the per cent is doubled; if it be but one half that sum, then the per cent is diminished one half.

Thus all may see it is a matter of utter indifference to the tax payer, whether the appraisement be high or low; the great *desideratum* is to have them relatively equal. Hence if the land appraisements of the State in the aggregate should be \$100 000 000 as returned for the action of the State Board, it is entirely immaterial, so far as the amount of taxes is concerned, whether, in securing the requisite equalization, they raise the appraisements to \$200 000 000, or depress them to \$50,000,000. In the last case the per cent. must be doubled and in the first it must be diminished one half, by the Legislature, to raise the same tax. This operation is so simple and so obviously indicated in the several acts constituting the new revenue system that no one who will, before he makes up his mind, take the pains to look into them can fail to see and understand it. The object is to have a fixed and equitable standard; and to secure it in measuring the taxes, is just as important as it is that a half bushel should be of the same capacity on the Wabash, as it is on White Water; or that the fifty-six pound weight should balance the same quantity of wheat on White River as it does on the St. Joseph, the specific gravity of the grain being the same in both places.

If the State Board of Equalization, with all the facilities that they will have of knowing their duty, regardless of their character, their duty and the oath they must take, will nevertheless make the gross inequalities that all will acknowledge do exist, but still more unequal—then we can only say that we have been more unfortunate in our pursuit of equal and exact justice than our sister States have been, who have tried it until it is no longer an experiment. Certainly, the chances are not against their doing right, when compared with the numerous local influences operating upon the appraisers, however honestly they may strive after justice. The vision of the appraiser is bounded by his county lines, though appraisers may be within hailing distance upon adjoining farms, the line separating their counties running between them, yet they do not heed the estimates of each other. Each has started out with his standard of appraisement fixed, and his great solicitude is so to fix the relative appraisements of farms that there shall be no dissatisfaction. But this board of equalization surveys the whole State and so adjusts the relative appraisements of the several counties that they, as communities will, in like manner, be content. In this way we approximate that absolute justice which all good citizens desire, and even the bad pretend to.

If there is any thing in this to alarm the patriotism of the people, or cause them to agonise for their endangered "liberties," or that is in any wise "inconsistent with the genius of free, republican institu-

tions"—then, indeed, it is your committee who are strangely deluded. For they are unable to see any thing in the scheme but that equality of rights and equality of state burdens, agreeably to local advantages, that all genuine Democrats so much admire. Without it we know of no remedy for the evil. And he who acknowledges the evil, but will not strive to remedy it, because he profits by it, ought never to complain of those sneaking, soulless miscreants, a few of whom are to be found in every county, who will cheat their assessor when he calls upon them, by giving him false lists and false estimates of his taxable property! The public mind so much abhors such faithless citizens, that they have ever been numbered amongst criminals, and heavy fines and penalties have been provided for them.

Your committee, therefore, are unanimously of the opinion that the State Board of Equalization is one of the most essential features in the new revenue system—a system which this year saves the State more than twenty thousand dollars, when contrasted with the old, in the one item of collections—a system, in a word, which it is believed will acquire popularity amongst the tax-payers, as fast as it is understood.

The bill herewith reported reorganises the State Board of Equalization after the manner deemed most expedient by the committee. It will cost the State nothing but the time spent by the Legislature in selecting its members—the passage of the bill is therefore respectfully recommended.

Bill No. 79, to reorganise the State Board of Equalization and for other purposes;

Read a first time; when

Mr. Gregory moved that the rules be suspended and the bill read a second time now.

The question being on suspending,

The ayes and noes were demanded by Messrs. Herriman and Harris.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bradley, Burke, Carnan, Chamberlain, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Miller, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Walpole, Watts and Wright—34.

Those who voted in the negative were,

Messrs. Berry, Blair, Bright, Carr of Jackson, Carr of Lawrence, Davis, Foster, Harris, Hatfield, Herriman, Kinzer, Moffatt, Parks, Read, Sinclear and West—16.

So the rules were suspended and the bill read a second time.

Mr. Chamberlain moved to amend by striking out after the enacting clause and insert the following:

Be it enacted by the General Assembly of the State of Indiana, That so much of the existing laws of this State as creates a State Board of Equalization be, and the same is hereby repealed.

Mr. Wright called for a division of the question.

The question then being on striking out from the enacting clause,

The ayes and noes were demanded by Messrs. Herriman and Chamberlain.

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Walpole and West—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Tannehill, Watts and Wright—28.

So the motion to strike out did not prevail.

On motion of Mr. Stevenson,

The committee were instructed as follows:

That said Board shall neither increase nor diminish the aggregate valuation of the State.

The question then recurring on the engrossment of said bill for a third reading on to-morrow,

The ayes and noes were demanded by Messrs. Read and Herri-man.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bradley, Burke, Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Tannehill, Watts, West and Wright—31.

Those who voted in the negative were,

Messrs. Berry, Blair, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Harris, Hatfield, Herriman, Kinzer, Miller, Moffatt, Parks, Read, Roberts, Shanks and Sinclear—18.

So the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Harris, from the judiciary committee, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law that any person feeling aggrieved by the decision of the township trustees in the several counties subject to the provisions of the act of February 17, 1838, entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," have had the same under consideration, and have instructed me to report the following bill and recommend its passage.

Bill No. 80, to amend certain acts therein named ;

Read a first time and ordered to a second reading on to-morrow.

Mr. Eggleston, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred the resolutions of certain citizens of Vermillion county, on the subject of relief laws, have directed me to report the same back to the Senate and ask to be discharged from the further consideration of said resolutions.

The report was concurred in and the committee discharged.

Mr. Eggleston, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The standing committee on the judiciary to whom were referred a resolution of the Senate No. 10, instructing said committee to inquire into the expediency of providing by law that when any person shall voluntarily appear before a grand jury with a view to procure an indictment against any person or persons, and on the final hearing and determination of such prosecution the court shall be of opinion that the prosecution was commenced through malice or without reasonable grounds for the same, the court shall render judgment against the prosecuting witness for the amount of costs necessarily accruing in said prosecution, have had the same under consideration, and have directed me to report—that your committee regard the proposed charge in the criminal code as a startling innovation on the established principles of law, and likely to be productive of much mischief. Your committee are not aware that malicious prosecutions often occur, under existing laws, and regard the remedy which the party aggrieved now has by action, as adequate for his protection. The proposed change in our laws would stimulate bad men who had undertaken groundless prosecutions to sustain them by false testimony. Besides which your committee are apprehensive of the worst consequences from the occasional abuse of the extraordinary powers proposed by said resolution to be vested in the courts.

Your committee therefore are of opinion that legislation on said subject is inexpedient.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Elliott from the committee on education made the following report :

MR. PRESIDENT :

The committee on education to which was referred bill of the Senate No. 58, to amend an act entitled an act to revise and amend an act incorporating Congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841, have according to order, had the same under consideration, and have instructed me to report it back, with one amendment, by striking it out from the enacting clause, and inserting the accompanying substitute, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Stevenson from the committee on education made the following report :

MR. PRESIDENT :

The committee on education to which was referred bill No. 60, to repeal so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock, and other matters therein contained, have according to order, had the same under consideration and have directed me to report it back and ask its reference to the committee on the judiciary.

The report was concurred in and the bill accordingly recommitted to the committee on the judiciary.

Mr. Baird from the committee on canals and internal improvements made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the Senate entitled "a bill to amend an act pointing out the mode of levying taxes," have had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Baird from the committee on canals and internal improvements made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred the petition of John Edwards praying for remuneration in damages, in consequence of the location of the White water canal or for the privilege of using the water of said canal, have had that subject under consideration and directed me to report, that legislation on said subject is inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Baird made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was recommended a joint resolution of the House of Representatives for the relief of Alexander Beard, have again had the subject matter under examination, and after a most arduous investigation have instructed me to report the same back to the Senate with one amendment. In the last line of said resolution after the word State add "deducting therefrom twenty per cent from said measurement." With this amendment your committee recommend the passage of the joint resolution.

Mr. Moffat moved to amend by inserting the words "gross amount," which did not prevail, when

The report was concurred in, and

On motion of Mr. Baird

The rules were suspended, the bill read a third time and passed.

Mr. Baird made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the Senate entitled "a bill for the relief of owners of Wabash and Erie canal lands," have had the same under consideration several times, and directed me to report the same back to the Senate and recommend its indefinite postponement.

The question being on concurring in the report,

It was decided in the negative, when,

On motion of Mr. Harris

Said bill was recommitted to a select committee.

Ordered, that Messrs. Harris, Gregory, and Tannehill, compose said committee.

Mr. Baird made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the Senate entitled "a bill to repeal the act entitled

an act to provide for the settlement of suspended claims for labor done on the public works" app. Feb. 15th, 1841, have had said bill under consideration and directed me to report the same back to the Senate without amendment and recommend its passage.

Said bill No. 59, was ordered to be engrossed and read a third time on to-morrow.

Mr. Baird as chairman of the committee on canals and internal improvements made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the Senate chartering a company to take possession and complete the White Water Canal, subject to certain restrictions therein named, have had the subject under consideration, and the propriety of thus disposing of any portion of the public works formed a prominent feature in the minds of the committee. Did the State possess resources sufficient to go on with the public works, there would be no difficulty in deciding that any such proposition as is contemplated by said bill would be impolitic and meet with the decided disapprobation of the committee. But, in looking over the financial affairs of Indiana, we are constrained to admit that she has not the ability to move forward in her system of internal improvements. The indebtedness of the State at this time perhaps, does not fall far short of sixteen millions of dollars. A considerable portion of this indebtedness has arisen for that for which the State has never received a dollar, nor never will. Another considerable portion of this indebtedness has been incurred by the sale of state bonds to companies and institutions of doubtful solvency and taking collateral securities for their payment, such as mortgages upon lands and town lots in numerous parts of the Union; and this branch of our indebtedness is still further complicated and embarrassed by numerous frauds and corruptions on the part of those who have made the mortgages. Such, for instance, as the mortgage to the State by the Georgia company, in which they have conditionally conveyed to the State several thousand acres of land, more remarkable for its sand and barrenness than any thing else, and upon which lands, it was falsely represented to the commissioners on the part of the State, was situated a splendid saw mill of twenty-six saws, but on examination subsequently, behold the saws and mill are not there, but upon another lot of land altogether. The committee refer to this as an instance amongst many similar ones, to show the gloom which hangs over the finances of this State.

Another portion of our indebtedness arises from the sale of numerous bonds of the State on which partial payments have been made, whilst the remainder may never be paid from the fact of broken capitalists and prostrated institutions who were purchasers of our bonds. And there is another portion of our bonds sold, for which we have received full consideration and the moneys arising from them have been variously and lavishly applied upon our unavailable works of inter-

nal improvement. Millions on millions have been expended thus far for no available purpose. Numerous holes have been dug upon the lines of our canals, numerous pieces of grading have been done on our railways and McAdam roads, and generally without any continuous line of completion. So that the great major part of our works are as useless in the way of either revenue or transportation as though they had never been conceived, or a hole dug or a yard graded. Once there was a time when every heart was gladdened, every countenance lighted up with joy, every town and city, every street and house, every door and window, was illuminated upon the joyful prospect of a glorious system of internal improvements, for proud Indiana. But death has come over the the spirit of our dream. We are in debt deeply, overwhelmingly in debt, and we cannot help it. Truth forces us to acknowledge that the energies of the State are paralyzed—that she can no longer bear her increasing burthens. We are driven to cast our eyes about and see if there be any thing which can be done to save some remnant of the tottering standing wreck.

When we look into our resources we find them extremely limited. The whole amount of taxable property in the State as returned to the auditor the present year, is but about ninety-five millions of dollars. The tax assessed last year of 40 cents upon the 100 dollars worth of property, proved insufficient in amount to pay the interest on our public debt. We cannot supply the deficiency—we cannot raise the taxes higher. The people will not submit. They will not be able to pay, and doubtless the taxes this session of the General Assembly will be reduced.

Then, in view of all this, what is to be done. Are all of our public works to stop where they are, washing and mouldering into ruin? Are our canals and roads, which might soon be made available if we had the means, to be filled up and destroyed? Are they to remain throughout all time to come as broken monuments of our folly? If there be no Hercules on whom the State may call for aid—if there be no lever which the State can apply to resuscitate her energies and set the whole in motion, let us not deny to ourselves and others the privilege of having some of the works completed, if not by the State, by companies such as the above recited bill contemplates.

We have now arrived at a period when we should take action—speedy action. Already do the reports of our board of internal improvement show us the rapid decay of materials upon our public works, and the immense cost of repairs, whilst scarcely a work is yielding to the State a dollar of revenue. Months and years are rolling by and nothing done. Soon the place which knows some of the public works will know them no more forever. The committee regret to paint this picture, but concealment upon their part, in regard to the abilities of the State, they deem no virtue. When they cast their eyes upon the White Water Canal, the Indianapolis and Madison railroad, the Vincennes road, the Jeffersonville and Crawfordsville road, the Crawfordsville and Lafayette road, the cross-cut canal, the central canal, and last, though not least, the northern canal, they find them all in one ag-

onizing condition, unproductive to the State in revenue, and unprofitable for purposes of transportation. If any thing can reasonably be done, who will say it ought not to be done by the intervention of companies. Many are willing to hazard the experiment. The time has now arrived when we must make the best of a bad bargain. Strong inducements must be held out to individuals and companies, as in these times of great risk and financial embarrassments, they will not invest their capital. With something like the privileges guarantied in the bill herewith reported, it is confidently believed capital will be furnished for the completion of the White water canal, and thus open up our avenue to trade, from as rich a country as can be found for the same number of miles. Other works of much importance with similar privileges might, it is believed, be also completed. With less privileges it would be unsafe to calculate that any thing would ever be done.

The committee then, from a full review of the past, present and future, and a knowledge of the powerless condition of Indiana at this time to carry on her public works; would deem it unwise to fail to do that by the interposition of companies which she cannot do herself. They have therefore recommended me to report the following bill back to the Senate with one amendment, and recommend its passage.

BAIRD, *Chairman*.

To the end of the first section of said bill add the following proviso:

Provided, further, That should the Richmond and Brookville canal be completed prior to the expiration of said fifteen years, named in this act, all tolls collected between the mouth of said canal and Harrison, for freight or passengers passing out of or into the mouth of said canal, in boats engaged in its regular trade during the residue of said fifteen years, shall enure to the exclusive use of the company completing the same. But the rate of tolls charged shall not be less than those charged by the White-water Valley canal company.

Mr. West moved to recommit the bill and proposed amendments to the same committee, with the following instructions:

To inquire into the expediency of allowing companies to purchase any work in the State by paying the cost of the same already incurred, in the bonds of the State at par; said companies stipulating to complete said work or works within a fixed or reasonable period of time.

The State, on her part, reserving to herself the right of regulating the tolls on said works, at reasonable prices, and of redeeming said works after the expiration of ten years, at reasonable rates; said rates to be agreed upon by the agents of the State and the companies contracting; and report by bill or otherwise.

Mr. Dobson moved to lay the bill and pending amendments on the table, and print 100 copies.

Mr. Herriman called for a division of the question.

The question being to lay on the table, it was decided in the affirmative.

The question then being on printing one hundred copies, it was so adopted.

Mr. Collins, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to which was referred a bill to amend an act entitled an act concerning proceedings in ejectment and for the relief of occupying claimants of land, approved January 13, 1831, with the amendment thereto, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend the passage of the substitute reported by the judiciary committee, with the following amendment :

Add the following section :

SEC. That whenever the successful claimant shall decline paying the occupying claimant the value of the improvements assessed in manner herein provided, the said occupying claimant shall be liable to pay said successful claimant the value of the ground rent of such land, to be ascertained by jury on the application of either party to said circuit court, or at the instance of either party, by the jury empaneled to determine the rents and profits and the value of the improvements as aforesaid ; said rent to be paid annually under the same rules that other rents are payable, and to be computed from the day of rendition of judgment on the verdict in ejectment ; and either party may have a review of the finding of such jury as to the value of such rents, at any time, by application by petition to the proper circuit court, on payment of the costs of such application : *Provided*, That the successful claimant or claimants may at any time thereafter extinguish the right of the occupying claimant by paying him or them the amount ascertained as aforesaid, with legal interest thereon, or the said successful claimant may have the value of the improvements reviewed and re-ascertained by jury on petition to the proper circuit court on payment of the costs of such application.

The report was concurred in, the amendment adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Davis, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to which was referred resolutions of numerous citizens of Daviess county, have had the same under consideration and have directed me to report the following bills :

Bill No. 81, to repeal so much of the 20th section of an act, which relates to the travelling fees of county treasurer, approved February 12, 1841 ;

Bill No. 82, to change the mode of doing county business in Daviess county ;

Bill No. 83, to repeal the board of equalization ;

Which were severally read a first time and ordered to be read a second time on to-morrow.

RESOLUTIONS.

The Senate resumed the consideration of the resolution presented by Mr. Herriman, in relation to the joint resolution from Vermont, respecting the eligibility of President to but one term, pending when the Senate adjourned on yesterday.

The question being on its adoption,

The ayes and noes were demanded by Messrs. Herriman and Sinclear.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—26.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright—24.

So the resolution was adopted.

Mr. Gregory offered for adoption the following resolution :

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on the second Monday in January next.

On motion of Mr. Herriman,

The words "second Monday" were stricken out, and the words "first Monday" inserted in lieu thereof.

Mr. Watts moved to amend by adding the following proviso :

Provided, That both Houses are through their ordinary business.

Mr. Eggleston moved to lay the resolution and pending amendments on the table.

The ayes and noes were demanded by Messrs. Parker and Gregory.

Those who voted in the affirmative were,

Messrs. Baird, Blair, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Dobson, Eggleston, Everts, Foster, Harris, Hatfield, Hoover of Wayne, Kinzer, Moffatt, Morgan, Mount, Read, Reeve, Roberts, Sinclear, Watts and West—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Collins, Cornett, Davis, Elliott, Gregory, Herriman, Hoover of Tippecanoe, Miller, Nave, Nickel, Parker, Parks, Pitcher, Sands, Shanks, Sheets, Stevenson, Tannehill, Walpole and Wright—26.

So the motion to lay on the table did not prevail.

The question then being on the adoption of Mr. Watts's amendment, it was decided in the affirmative.

Mr. Chamberlain moved to amend as follows:

Provided that the investigating committees of both branches of the legislature are through with the same;

Which motion prevailed.

Mr. Eggleston moved to lay the resolution and amendments on the table.

The ayes and noes were ordered by Messrs. Herriman and Sinclear.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Eggleston, Elliott, Everts, Harris, Hatfield, Hoover of Wayne, Moffatt, Morgan, Mount, Read, Reeve, Roberts, Shanks, Tannehill and West—26.

Those who voted in the negative were,

Messrs. Angle, Bright, Burke, Davis, Dobson, Foster, Gregory, Herriman, Hoover of Tippecanoe, Kinzer, Miller, Nave, Nickel, Parker, Parks, Pitcher, Sands, Sheets, Sinclear, Stevenson, Walpole, Watts and Wright—23.

So the motion to lay on the table prevailed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Wright,

Resolved, That the committee on elections be instructed to report a bill amendatory to an act entitled an act more effectually to secure the purity of elections, approved February 15, 1841, so that the person voting without the legal qualifications of a voter, shall be compelled to testify in cases of contested elections, when called upon as a witness. And that the statements so made shall not be given as evidence on the trial of such person for the violation of said act.

Mr. Stevenson introduced

Bill No. 84, declaratory of the meaning of an act to prevent speculation by collecting in treasury notes and other moneys.

Mr. Baird introduced

Bill No. 85, to legalise the election and official acts of the probate judge of Fulton county.

Mr. Bright introduced

Bill No. 86, to extend the time of holding probate courts in the county of Jefferson.

Mr. Parker introduced

Bill No. 87, for the relief of John Tate.

Mr. Gregory introduced

Bill No. 88, to repeal a part of an act entitled an act to amend an act relating to crime and punishment, approved February 10, 1831, approved February 8, 1841.

Mr. Parks introduced

Bill No. 89, to incorporate the Martinsville band of musicians.

Mr. Miller introduced

Bill No. 90, to repeal an act entitled an act to authorise Thomas S. Hinde to establish a ferry therein named, approved January 19, 1841.

Mr. Parker introduced

Bill No. 91, for the appointment of a commissioner to make deeds, and for other purposes.

Mr. Cornett introduced

Bill No. 92, to prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent.

Mr. Herriott introduced

Bill No. 93, to provide for the popular election of prosecuting attorneys, and for other purposes.

Mr. Baird introduced

Bill No. 94, to legalise the election and official acts of the probate judge of the county of St. Joseph, Indiana.

Mr. Berry introduced

Bill No. 95, to provide means to aid in opening roads and highways.

Mr. Mount introduced

Bill No. 96, to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841.

Mr. Mount introduced

Bill No. 97, to amend an act entitled an act to regulate general elections.

All of which were severally read and ordered to a second reading on to-morrow.

On motion of Mr. Read,

The Senate resolved itself into committee of the whole on the bill of the Senate No. 6, to reduce the fees and salaries of all the officers in the State, and also the wages and per diem allowance of members of the General Assembly, Mr. Aker in the chair, and after some time spent in the consideration thereof, the committee rose, the President re-

sumed the chair, and Mr. Aker reported the bill to the Senate with one amendment, which was concurred in by the Senate.

On motion of Mr. Shanks,

The bill was then laid on the table.

On motion of Mr. Stevenson,

The Senate now resolved itself into committee of the whole on bill No. 53 of the Senate, to amend an act entitled an act regulating the interest on money in the State of Indiana, Mr. Angle in the chair, and after a short time spent in its consideration, the committee rose, the President resumed the chair, and Mr. Angle reported the bill back to the Senate with one amendment, which was by inserting after the words six per cent. per annum, the words "except on money loaned."

Mr. Baird moved to lay the amendment on the table;

And the ayes and noes being demanded by Messrs. Herriman and Baird,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Burke, Carnan, Chamberlain, Dobson, Everts, Foster, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Morgan, Nave, Nickel, Parks, Shanks, Sinclear, Stevenson, Tannehill, Walpole and Wright—25.

Those who voted in the negative were,

Messrs. Blair, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Collins, Cornett, Davis, Eggleston, Elliott, Gregory, Harris, Hatfield, Herriman, Miller, Mount, Parker, Read, Reeve, Roberts, Sands, Sheets, Watts and West—24.

So said amendment was laid on the table.

Mr. Elliott moved that the further consideration of the bill be indefinitely postponed;

And the ayes and noes being demanded by Messrs. Moffatt and Baird,

Those who voted in the affirmative were,

Messrs. Bradley, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Davis, Eggleston, Elliott, Gregory, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Miller, Morgan, Mount, Parker, Parks, Read, Reeve, Roberts, Sands, Watts and West—25.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bright, Chamberlain, Dobson, Everts, Foster, Harris, Herriman, Herriott, Kinzer, Moffatt, Nave, Nickel, Pitcher, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole and Wright—25.

The President gave the casting vote in the affirmative.

On motion of Mr. West,

The engrossed bill of the House of Representatives, No. 25, "supplemental to an act subjecting real and personal estate to execution," approved February 4, 1831, laid on the table on the 22d instant, was taken from the table.

Mr. Stevenson moved to strike the bill out from the enacting clause and insert a substitute.

Mr. Morgan moved to amend the amendment as follows:

Strike out 12 and insert 24 in the first and second sections, making the stay 24 instead of twelve months, and insert in the proper place in the third section the following: "Except on judgment rendered under the laws of 1839 and 1840."

The ayes and noes being demanded by Messrs. Stevenson and West,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bright, Carnan, Davis, Dobson, Gregory, Morgan, Pitcher, Read, Walpole and West—12.

Those who voted in the negative were,

Messrs. Baird, Berry, Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Moffatt, Mount, Nave, Nickel, Parker, Parks, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts and Wright—38.

So said amendment to the amendment was not adopted.

Mr. Walpole moved the following amendment which was adopted, viz:

Strike out so much of the proposed amendment as provides against a stay of execution on judgment, rendered upon scire facias.

Mr. Elliott moved to strike out the first proviso in the 4th section of the original bill, and insert in lieu thereof the following:

Provided however, That there shall not be more than two offers to sell under any execution, (unless the plaintiff shall direct such subsequent offer at his or her costs.) One of which said offer to sell shall be within three months from the date of the execution, if the same is issued from the circuit court, and within two months if the same is issued by a justice of the peace.

Mr. Moffatt called for a division of the question, and

The question being on striking out, the ayes and noes being demanded by Messrs. Moffatt and Nickel,

Those who voted in the affirmative were,

Messrs. Bradley, Burke, Collins, Cornett, Eggleston, Elliott, Everts,

Gregory, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Parker, Pitcher, Read, Roberts, Sheets, Watts and Wright—19.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Moffatt, Nave, Nickel, Parks, Reeve, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—31.

So said provision was not stricken out.

Mr. Walpole moved to amend the original bill by inserting in its proper place the following:

"Sec. —. That on all judgments that are now unsatisfied or may hereafter be renderable by any justice of the peace or any court of this State, it shall be the duty of the judgment plaintiff or plaintiffs to give notice to the proper officer (whose duty it shall be to issue executions); that the said plaintiff or plaintiffs will receive current Bank paper in discharge of said judgment, and in case that said plaintiff or plaintiffs fail to so notify said officer, then no execution shall issue on said judgment for twice the length of time that is now provided for the stay of execution."

Which was not adopted.

Mr. Chamberlain moved to amend the bill of the House by striking out the word "market" in the first section and inserting after "value" the following: "on a credit of twelve months;" also to strike out "market" in the 4th line of the second section and insert after "value" the words "as aforesaid;" also strike out "market" in the seventh line of the same section and insert after "value" the words "on a credit as aforesaid;" and also strike out "market" in the 12th line of the same section, and insert after the word "time," the words "on a credit of twelve months;"

Which amendment was, on motion of Mr. Walpole, laid on the table.

On motion of Mr. Herriman, the word "market" wherever it occurs in the 1st and 2d sections of the bill was stricken out.

Mr. Everts moved to amend the bill by striking out the eighth section; which motion did not prevail.

Mr. Carnan moved to amend the bill by adding the following sections:

That on all judgments, decrees and orders, heretofore rendered in any court of this State, which have not been satisfied, there shall be an additional stay of two years from the expiration of the stay already taken on such judgment, decree or order, upon the defendant or defendants, giving additional security to the satisfaction of the proper officer.

That on all such judgments, decrees and orders, which shall be rendered on any contract made prior to the first day of January, A. D. 1842, there shall be a stay of two years, upon the defendant or defend-

ants giving good and sufficient freehold security to the satisfaction of the proper officer.

That should any judgment or other debtor be unwilling to avail himself of the privilege of the two year stay, authorized as above, he may take a stay for any term of time short of two years that he may select.

That the provisions of this bill authorizing a two year stay and requiring property sold on execution to be appraised, shall not extend to judgments, decrees, or orders on contracts made after the 1st day of January, A. D. 1842.

Before the question was taken on Mr. Carnan's amendment, On motion, the Senate adjourned.

THURSDAY, DEC. 30th, 1841.

The Senate assembled.

The President laid before the Senate a communication from John Cook, Esq., agent of State for the town of Indianapolis, in relation to the library funds, due said town, in accordance with a resolution of the Senate calling on him for said information.

Mr. West moved to refer said communication to the committee on education;

Which motion did not prevail; when,

On motion of Mr. Dobson, it was referred to the committee on the town of Indianapolis.

Mr. Baird presented the remonstrance of E. P. Taylor and three hundred and seventy-nine others, against the passage of an act restricting justices of the peace of St. Joseph county to their respective townships; which, on his motion, was referred to a select committee.

Ordered, that Messrs. Baird, Angle and Pitcher compose said committee.

Mr. Walpole presented the petition of sundry citizens of Madison county, praying the legalizing certain official acts of Isaac T. Sharpe as justice of the peace;

Which, on his motion was referred to the judiciary committee.

Mr. Hatfield presented the petition of Jacob L. Gebhart, praying for a divorce from his wife Elizabeth;

Which, on his motion, was referred to the committee on the judiciary.

Mr. Walpole presented a remonstrance from numerous citizens of Henry county against the repeal of the existing dog law,

Which he moved to have laid on the table.

The motion did not prevail, when,

On motion of Mr. Chamberlain,
Said remonstrance was referred to the committee on agriculture.

On motion of Mr. Watts,

Mr. Chamberlain was added to said committee.

Mr. Hoover of Wayne presented the petition of sundry citizens of Wayne county praying for the enactment of a stay law;

Which, on his motion was referred to the committee on finance.

Mr. Dobson presented the petition of Alexander Gooden and others, praying the repeal of certain acts therein named;

Which, on his motion, was laid on the table.

Mr. Eggleston presented the petition of F. L. Grisard and others, relating to matters touching the Vevay seminary;

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Eggleston, Elliott and Mount compose said committee.

Mr. Angle presented the petition of sundry citizens of Boone county, praying that the jurisdiction of justices of the peace may be made co-extensive with their respective counties;

Which, on his motion was referred to the judiciary committee.

Mr. Bright presented a communication from Messrs. Leonard and Phelps of Jefferson county, in relation to certain matters therein named.

Which, on his motion, was referred to the committee on federal relations.

REPORTS FROM STANDING COMMITTEES.

Mr. Read moved to take up the bill from the House, No. 1, "to repeal certain laws therein named," reported back to the Senate from the committee on finance.

On the proposition to take up said bill,

The ayes and noes were demanded by Messrs. Read and Herri-
man:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Miller, Moffatt, Mount, Nave, Nickel, Parker, Parks, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, and West—42.

Those who voted in the negative were,

Messrs. Baird, Blair, Carnan, Cornett, Hoover of Tippecanoe, Morgan and Wright—7.

So the bill was taken up.

Mr. Parker moved to amend by striking out the House bill from

the enacting clause and insert in lieu thereof the provisions of bill No. 79, reported on yesterday from the standing committee on finance.

Mr. Cornett moved to lay said bill and pending amendment on the table,

Which motion did not prevail.

When, Mr. Parker withdrew his proposed amendment.

Mr. Elliott moved to strike out from the enacting clause and insert a substitute.

Mr. Dobson moved to so amend the amendment that the House shall elect two of said members from each of the other circuits,

Which motion did not prevail.

Mr. Miller moved to amend the amendment so that one member of the Senate and two of the House from each judicial circuit shall compose said board.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled,

And resumed the consideration of the question pending on adjournment, when,

Mr. Elliott withdrew his proposed amendment.

Mr. Eggleston moved to amend by inserting the following additional sections:

SEC. —. That the act entitled "an act to appraise the property of this State, approved February 12, 1841," and the act entitled "an act prescribing the duties of county auditor," the act entitled "an act for the further election of county assessor," that an act entitled "an act pointing out the mode of levying taxes, approved Feb. 12, 1841," that "an act levying a tax for State and internal improvement purposes, approved Feb. 13, 1841," that "an act prescribing the duties of county treasurers, approved Feb. 12, 1841," be, and the same are hereby repealed.

SEC. —. The acts previously in force before the passage of the above named acts, regulating the mode of assessing and collecting the revenue are hereby revived.

The question being on its adoption,

The ayes and noes were demanded by Messrs. Eggleston and Chamberlain:

Those who voted in the affirmative were,

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Eggleston, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Morgan, Nickel, Parks, Roberts, Sheets, Sinclear, Walpole, Watts and West—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Bright, Burke, Carnan, Collins, Cornett, Davis, Elliott, Everts, Foster, Gregory, Herriott, Hoover of T., Moffatt, Mount, Nave, Parker, Pitcher, Read, Reeve, Shanks, Stevenson, Tannehill and Wright—28.

So the amendment was not adopted.

The question then recurring on ordering the bill to a third reading on to-morrow.

The ayes and noes were demanded by Messrs. Elliott and Parker:

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole and West—26.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tip., Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Watts and Wright—23.

So the bill was ordered to a third reading on to-morrow.

Mr. Dobson moved to suspend the rules and read the bill a third time now.

The ayes and noes were demanded by Messrs. Parker and Aker:

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sheets, Sinclear, Tannehill, Walpole and West—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Stevenson, Watts and Wright—26.

So the motion to suspend did not prevail.

Mr. Carnan moved to suspend the order of business for the purpose of taking up bill of the House No. — "supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1831," which was pending with a proposed amendment when the Senate adjourned on yesterday.

Which motion prevailed.

The question being on the adoption of the amendment pending, The ayes and noes were demanded by Messrs. Carnan and

Those who voted in the affirmative were,

Messrs. Aker, Carnan, Collins, Davis, Dobson, Herriott, Kinzer, Morgan, Pitcher, Walpole, West and Wright—12.

Those who voted in the negative were,

Messrs. Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Mount, Nave, Nickel, Parker, Parks, Reeve, Roberts, Shanks, Sinclear, Stevenson, Tannehill and Watts—35.

So the amendment was not adopted.

Mr. Gregory offered the following as an amendment: add the following as an additional section, between the 4th and 5th sections:

SEC. — It shall be the duty of the officer having such execution, to use due diligence in the collection of the money required to be made by such writ, without regard to the return day thereof, and in executions issued by a justice of the peace, the judgment plaintiff, his agent or attorney shall have the power to call upon the officer having such execution at the expiration of every thirty days from the date thereof for an accounting, and in executions issued from circuit or probate courts, the judgment plaintiff, his agent or attorney may call upon the officer having such execution at the expiration of every ninety days from the test thereof for a like accounting; and in either case if the officer fail or refuse to account for his doing therein, the officer so failing or refusing and his sureties shall be liable to the party injured in action of debt upon his official bond; or in cases where the execution is issued by a justice of the peace, the officer may be proceeded against by *scire facias*; or in cases where the execution is issued from the probate or circuit court, the officer may be proceeded against by notice and motion according to the law now in force on that subject.

Which was adopted.

On motion of Mr. Berry,

The following amendment was adopted, as a proviso to the third section:

Provided, That in all cases where personal property fails to sell according to the provisions of this act, and the judgment debtor failing to give bond sufficient for the delivery of said property on some subsequent day, the officer in whose hands such property may be, shall after giving due notice proceed to sell the same to the highest bidder on a credit of six months from day of judgment, taking bond and security, which bond shall have the force and effect of a judgment confessed in the court from which the execution issued; and execution

shall be issued from said bond, against principal and security thereon, returnable in thirty days, and sales made by virtue thereof shall be for cash in hand, and without appraisement.

Mr. Cornett moved to amend as follows: insert after the 10th section the following:

Provided, That nothing in this act shall be so construed as to prevent any person or persons engaged in manual labor from recovering of his, her, or their employer or employers the amount of his, her, or their wages now due or which may hereafter become due, according to the laws now in force in relation to the collection of debts.

The ayes and noes were ordered by Messrs. Carnan and Elliott:

Those who voted in the affirmative were,

Messrs. Baird, Blair, Carr of Lawrence, Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Parker, Parks, Pitcher, Read, Roberts, Shanks, Sheets, Stevenson, Tannehill Watts and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Carr of Jackson, Chamberlain, Davis, Foster, Gregory, Harris, Hatfield, Kinzer, Miller, Moffatt, Nave, Nickel, Reeve, Sinclear, Walpole and West—22.

So the amendment was adopted.

Mr. Eggleston moved to amend as follows:

That in all sales heretofore or hereafter by any farmer, for the sale of any of the stock raised on his farm, or any of the products of the soil, the amount of such sales may be collected under the laws heretofore in force in relation to executions.

Mr. Nave moved to recommit said bill and pending amendments to a select committee.

Which motion prevailed.

Ordered that Messrs. Nave, West and Moffatt compose said committee.

Mr. Herriott moved to instruct said committee as follows:

On all judgments, orders or decrees hereafter to be rendered in any court of record in the State of Indiana, a stay of execution as follows:

One-fourth part thereof, six months; one other fourth part, twelve months; one other fourth part, eighteen months; and the remaining fourth part, twenty-four months.

Upon all judgments hereafter to be rendered by any justice of the peace in the State of Indiana, a stay of execution as follows:

One-third part thereof, four months; one other third part, eight months; and the other third part, twelve months.

On all judgments, orders or decrees heretofore rendered by any court of record of the State of Indiana which remain unsatisfied, an

additional stay of execution to the stay heretofore allowed of four months on one half of the amount thereof, from and after the first day of March and eight months on the other half, from and after the said first day of March next.

On all judgments heretofore rendered by any justice of the peace of the State of Indiana which remains unsatisfied, an additional stay of execution to the stay heretofore allowed of four months on one-half the amount thereof, from and after the first day of March next, and eight months on the other half, from and after the said first day of March next.

Mr. Harris called for a division of the question.

The question then being, shall said committee be instructed, It was decided in the negative.

Mr. Nickel moved that Mr. Chamberlain be added to the committee.

Which motion did not prevail.

Mr. Parker introduced the following notice:

Notice is hereby given that on to-morrow I will offer a resolution to so amend the standing rules of the Senate as to provide that hereafter, until the end of the session, the orders of the day shall be regularly taken up at 2 o'clock on each day.

On motion,

The Senate adjourned.

FRIDAY, DEC. 31, 1841.

The Senate assembled.

The President laid before the Senate a communication from the board of internal improvement, in compliance with a resolution of the Senate, calling on them for information therein contained, which,

On motion of Mr. Baird,

Was laid on the table and 500 copies ordered to be printed.

On motion of Mr. Baird,

The orders of business were suspended for the purpose of taking up bill No. 62 of the House, for the completion of the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute.

Mr. Eggleston moved to amend by striking out the fourth section from said bill.

The ayes and noes were demanded by Messrs. Moffatt and Eggleston:

Those who voted in the affirmative were,

Messrs. Angle, Burke, Carnan, Cornett, Eggleston, Elliott, Hoover of Wayne, Kinzer, Morgan, Nave, Nickel, Sands, Shanks, Walpole, Watts and West—16.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Miller, Moffatt, Mount, Parker, Parks, Pitcher, Reeve, Roberts, Sheets, Sinclear, Stevenson and Tannehill—32.

So the motion did not prevail.

Mr. Carnan moved to amend by adding the following section:

SEC. —. That the Wabash river from Lafayette to its mouth, be adopted as the continuation of the Wabash and Erie canal; and that so much of the first proceeds of the sales of the lands lately adopted by the General Government for the continuation of said canal as may be necessary for the improvement of the navigation of said river be hereby appropriated for that purpose, and that the balance of the proceeds of said lands be expended on such other public works as the board of internal improvements may deem most to the interest of the State.

Mr. Watts moved to amend the proposed amendment as follows:

Provided, Such an agreement can be made with the General Government.

Mr. Blair moved to lay the proposed amendments on the table;

The ayes and noes being demanded by Messrs. Carnan and Eggleston,

Those who voted in the affirmative were,

Messrs. Baird, Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Chamberlain, Cornett, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of T., Miller, Moffatt, Mount, Nave, Nickel, Parker, Parks, Pitcher, Reeve, Roberts, Sheets, Sinclear, Stevenson, Tannehill, Walpole, West, and Wright—35.

Those who voted in the negative were,

Messrs. Aker, Angle, Burke, Carnan, Collins, Eggleston, Elliott, Herriott, Hoover of W., Kinzer, Morgan, Sands, Shanks, and Watts—14.

So the amendment was laid on the table.

Mr. Elliott moved to amend by adding to the 12th section as follows:

Any law that may ever hereafter be passed to the contrary notwithstanding;

Which motion did not prevail.

Mr. Chamberlain moved to amend by striking out of the 12th section the words "any law that may be adopted hereafter notwithstanding";

Which did not prevail.

Mr. Chamberlain moved to amend by inserting in the second line of the 12th section, after the word "contract" the words "in one continuous line commencing where the last contracts terminate";

Which was adopted.

On motion of Mr. Sands:

The following words were added to the 6th section, viz.:

"Below which valuation said lands shall not be sold."

Mr. West moved to amend by inserting in the 4th line of the 4th section after the word "portion" the words "only of the two hundred and ninety-two thousand acres."

Mr. Harris moved to amend the amendment proposed as follows:

Insert after the word "State" in the 5th line the words "for the continuation of said canal west of the Tippecanoe river," and strike out the words, "for the construction of the Wabash and Erie canal west of the Tippecanoe river," in the 6th and 7th lines;

Which was adopted.

The question then recurring on the adoption of Mr. West's amendment as amended, it was decided in the affirmative.

Mr. Chamberlain moved to amend by inserting in the second line of the twelfth section, after the figures 1843, the words "or so soon thereafter as may be most conducive to the interest of said works and the State ;"

Which did not prevail.

Mr. West moved to amend by inserting in the fourth section the following proviso:

Provided, That nothing in this act shall be so construed as to appropriate the lands or any part thereof, or any of their proceeds, selected for the construction of said canal east of the Tippecanoe river, to the construction of said canal west of the mouth of the Tippecanoe river.

Mr. Blair moved to amend the amendment by adding the following after the words "Tippecanoe river,"

"Nor on the Madison railroad;"

Which was adopted, when,

On motion of Mr. Blair,

Said proviso was laid on the table.

The question then being, shall the bill as amended be engrossed, and read a third time,

The ayes and noes were demanded by Messrs. Foster and Moffatt.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Chamberlain, Collins, Davis, Dobson, Everts, Foster,

Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Miller, Moffatt, Mount, Parker, Parks, Pitcher, Reeve, Sheets, Sinclear, Stevenson, Tannehill, West and Wright.—34.

Those who voted in the negative were,

Messrs. Burke, Carnan, Cornett, Eggleston, Elliott, Hoover of W., Kinzer, Morgan, Nave, Nickel, Sands, Shanks, Walpole and Watts.—14.

So the bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr. Baird moved that the rules be suspended, the bill as amended, be considered as engrossed, and read a third time now;

Which motion prevailed.

The question then being on the passage of the bill,

The ayes and noes were ordered by Messrs. Baird and Moffatt:

Those who voted in the affirmative were,

Messrs. Baird, Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Chamberlain, Collins, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Miller, Moffatt, Mount, Parker, Parks, Pitcher, Sheets, Sinclear, Stevenson, Tannehill, West, and Wright.—31.

Those who voted in the negative were,

Messrs. Aker, Angle, Burke, Carnan, Cornett, Eggleston, Elliott, Hoover of W., Kinzer, Morgan, Nave, Nickel, Read, Reeve, Roberts, Sands, Shanks, Walpole and Watts.—19.

So the bill as amended passed.

The following message was received from the House of Representatives by Mr. Brown their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed an engrossed joint resolution thereof, as follows:

No. 14—a joint resolution relative to Blackford's reports in Lagrange and Hancock counties.

In which I am directed respectfully to ask the concurrence of the Senate:

The House has concurred in amendment of the Senate to joint resolution of the House entitled

No. 97—a joint resolution for the relief of Alexander beard.

The Speaker of the House has signed the following enrolled bills of the Senate, to wit:

No. 18—an act to repeal a portion of "a joint resolution on the subject of the Michigan road lands;"

No. 19—an act for the relief of certain persons therein named;

No. 26—an act to define more particularly the duties of the commissioner of the three per cent. fund, in Daviess county;

No. 27—an act to vacate an alley in the town of Lebanon;

No. 32—an act to repeal an act entitled "an act incorporating the Washington County Seminary," approved January 24th, 1827;

No. 33—an act to provide for changing the time of holding the probate courts in the county of Orange;

No. 37—an act to legalize the proceedings of Hamilton Lapham as commissioner, to survey and locate a state road from Lebanon in Boone county to Thorntown;

Also the following joint resolution of the Senate, to wit:

No. 50—a joint resolution for the benefit of the citizens of the reserved township in Gibson county.

Which several bills and joint resolutions I am instructed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

The House of Representatives has passed the following resolution:

Resolved, That the Senate be requested to return to the House of Representatives the message informing them of the passage by the House of a bill of the Senate entitled "an act to change the time of holding the circuit court in Madison county."

Joint resolution No. 14 of the House, in said message was read a first time, and ordered to a second reading on to-morrow.

The resolution of the House in said message requesting the return to the House of Representatives of the bill of the Senate, entitled "an act to change the time of holding the circuit court in Madison county,"

On motion of Mr. Walpole, was laid on the table.

The following message was received from the House of Representatives by Mr. Brown their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate, that the House passed engrossed bills of the Senate, without amendment, as follows:

No. 16—an act to amend an act entitled "an act to incorporate the town of Greensburgh in Decatur county."

No. 39—an act for the relief of the heirs of Cornelius A. Dumaree, deceased;

No. 49—an act to declare a certain county road therein named a state road;

No. 51—an act declaring a certain name a misprint, and for other purposes;

No. 52—an act declaring a certain road therein named a public highway;

No. 57—an act to repeal an act entitled "an act incorporating a

a seminary in the county of Gibson, and for other purposes," approved February 13th, 1841;

Also, the following engrossed bill of the Senate, with one amendment:

No. 45—an act to provide for the distribution of the laws of Congress, to the several counties of this State.

In which amendment of the House I am instructed respectfully to ask the concurrence of the Senate.

The House has passed the following engrossed bill thereof, to wit:

No. 69—an act regulating the duties of clerks of the circuit courts and county auditors.

In which the concurrence of the Senate is asked.

The amendment made by the House of Representatives to bill No. 45 of the Senate, mentioned in said message, was read and concurred in.

Bill No. 69 of the House, in said message was read a first time, and ordered to a second reading on to-morrow.

Mr. Davis moved to suspend the orders of business for the purpose of granting him leave to introduce a resolution;

Which motion did not prevail.

REPORTS FROM STANDING COMMITTEES.

Mr. Kinzer made the following report:

MR. PRESIDENT:

The committee on roads to which was referred a resolution of the Senate No. 28, have had the same under consideration and have directed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Mount made the following report:

MR. PRESIDENT:

The standing committee on roads to whom was referred a resolution of the Senate, directing them to enquire into the expediency of providing by law for the appointing a general superintendent of roads in each township, whose duty it shall be to settle with the supervisors of roads, and report all delinquent supervisors in the several townships, to the grand jurors of the several counties, have had the subject matter under consideration and have directed me to report it as inexpedient to legislate on the subject and ask to be discharged from its further consideration.

The report was concurred in and the committee accordingly discharged.

Mr. Reeve made the following report:

MR. PRESIDENT:

The standing committee on roads, to whom was referred the petition of William Blackwell and others, praying the repeal of an act entitled "an act to relocate a state road therein named," and also the remonstrance of G. W. Hunter and others, against said repeal, have had the whole subject under consideration, and have instructed me to report that, as the law requires notice of any intended application to the legislature for a location, change or vacation of any state road, to be posted up in three or more public places, at least twenty days prior to the forwarding of such application. And no affidavit or other evidence appearing that those legal steps have been taken, the committee have therefore instructed me to report back both the petition and the remonstrance, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Bright made the following report:

MR. PRESIDENT:

The standing committee on corporations, to whom was referred bill No. 26, of the House of Representatives, incorporating the Greenville band of musicians, have had the same under consideration, and have directed me to report the same back to the Senate, adding after the word state, *and subject to amendment or repeal at any time*, and with this amendment would recommend the passage of the bill.

The report was concurred in, the amendment adopted, and the bill ordered to be read a third time on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Carnan made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 31 of the House, regulating the jurisdiction of the justices of the peace in the counties of Knox and Vigo, have had the same under consideration, and in view of the present embarrassed condition of our people, the amount of suing that is going on, the propriety of putting defendants to no more costs than are absolutely necessary, and of the greater convenience the change would afford defendants in attending suits and procuring security, they have directed me to report said bill back and request its passage.

R. N. CARNAN.

The report was concurred in and the bill read a second time, when Mr. Carnan moved that the rules be suspended and the bill read a third time now;

Which motion prevailed.
When the bill was read a third time and passed.
Mr. Burke made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Daniel Burgess and others, have had the same under consideration and directed me to report the following bill and recommend its passage:

Bill No. 98, to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840;

Read and ordered to a second reading on to-morrow.

Mr. Aker made the following report:

MR. PRESIDENT:

The select committee to which was referred a resolution of the Senate No. 24, on the subject of printers' fees for advertising the sale of real estate, have had that matter under consideration and have instructed me to report the following bill and recommend its passage.

Bill No. 99, to fix the fees of printers for advertising property to be sold on execution,

Was read a first time, when

Mr. Chamberlain moved that said bill be rejected.

The ayes and noes were demanded by Messrs. Chamberlain and

Those who voted in the affirmative were,

Messrs. Carr of Jackson, Carnan, Chamberlain, Herriman and Kinzer—5.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of Lawrence, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright—43.

So the motion to reject did not prevail.

The bill was then ordered to a second reading on to-morrow.

Mr. Mount made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John W. Hitt and others, praying for relief, have had the matter under

consideration, and have directed me to report the following bill and recommend its passage:

Bill No. 100, for the relief of John W. Hitt and others;

Read and ordered to a second reading on to-morrow.

On motion of Mr. Parker,

The orders of business were suspended and leave granted him to introduce the following resolution:

Resolved, That hereafter until the close of the session, the following shall be taken as one of the standing rules of the Senate:

"The orders of the day shall be taken up at two o'clock on each day, for the purpose of being regularly passed through with;"

Which was adopted.

Mr. Nave made the following report:

MR. PRESIDENT:

The select committee to which was referred an engrossed bill No. 25 of the House, entitled a bill supplemental to "an act subjecting real and personal property to execution," approved February 4, 1841, have, according to order, had the same under consideration, and have instructed me to report the same back with the following amendments, viz: 1st section, 3d line, after the word "fair" strike out the word "market." 2d section, 4th line, after the word "fair" strike out the word "market;" and in the 5th line, after the word "householders" strike out the words "with power to," and insert the words "who shall;" and in the 7th line, after the word the, strike out "market" and insert "fair;" and in the same line strike out after the word property these words, "in the ordinary transactions of business;" and in the 12th line, after the word fair, strike out "market;" and in the same line, after the word thereof, add the following: "after deducting all incumbrances thereon. 3d section, 5th line, after the word aforesaid, add the following proviso:

Provided, however, That the execution defendant shall have the privilege of executing a delivery bond to the officer serving the same, with security to the acceptance of said officer, and conditioned for the delivery of said property to said officer at such time and place as said officer shall appoint for the sale thereof, and conditioned further that the said execution defendant may sell the same at private sale, and when so sold shall apply the proceeds thereof to the satisfaction of the judgment on which the execution issued, at a price not less than two-thirds of its appraised value, as aforesaid.

And 6th section, 4th line, after the word office add the following: "nor to state prosecutions, nor to judgments on official or forfeited delivery bonds." And with these amendments would recommend the passage of the bill.

On motion of Mr. Pitcher,

The amendment was amended as follows:

Strike out the last section and insert as follows in lieu thereof:

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From and after the 15th day of January, 1842; and shall be published in the Indiana Journal and State Sentinel.

Mr. Pitcher moved to amend by adding, as an additional section, the following:

Sec. That the provisions of this act shall not extend to contracts hereafter made, for the payment in or delivery of any specific article of personal property;

Which amendment did not prevail.

The question then being on concurring in the report, as amended, it was decided in the affirmative.

Mr. Harris moved to recommit said bill, as amended, to the same select committee.

Mr. Gregory moved to refer to the judiciary committee;

Which did not prevail.

The question then recurring on recommitting to a select committee, it was decided in the affirmative.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Herriman,

The Senate dissolved itself into committee of the whole on the bill of the House to abolish imprisonment for debt, Mr. Baird in the chair.

After spending a short time in consideration of the same, the President resumed the chair, and Mr. Baird reported it back to the Senate with three several amendments.

The question being on the first amendment proposed by the committee, as follows:

Provided, That nothing herein contained shall prevent the plaintiff, his or her agent or attorney from suing out a *ca. sa.* upon filing an affidavit that he or she verily believes that the defendant or defendants has or have money, or choses in action, or personal or real property over and above what is exempt from execution, secreted or so covered that it cannot be reached by a *fi. fa.*: *Provided, further*, That should any plaintiff by himself or herself, or by his or her agent or attorney maliciously sue out a writ of *ca. sa.* against any defendant, such defendant may sue such plaintiff, or his or her agent or attorney for false imprisonment,

The ayes and noes were demanded by Messrs. Walpole and Herriman.

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Blair, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Harris, Hatfield, Herriott, Hoover of Tippecanoe,

Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Tannehill, Watts and Wright—36.

Those who voted in the negative were,

Messrs. Aker, Bright, Davis, Foster, Gregory, Herriman, Nave, Sinclear, Walpole and West—10.

So the amendment was not concurred in.

The question then being on the second amendment, as proposed by the committee, as follows:

And provided in no instance shall the defendant if a female, be imprisoned for debt.

Mr. Walpole moved to amend the amendment by inserting the words "revolutionary soldiers;"

Which prevailed; when,

On motion of Mr. Bright,

The following proviso to said amendment was adopted:

Provided, In all cases when any defendant is imprisoned on affidavit as aforesaid, the person so imprisoned shall have a right to prosecute a writ of *habeas corpus*, and on the trial of the same may show that the suspicions of the plaintiff (or the person making said affidavit) are without foundation, and upon the proper officer trying such writ being satisfied that said defendant or defendants are not about to abscond or remove their property, he shall discharge said defendant.

And the amendment as amended was concurred in.

The question then being put, Shall the third amendment proposed by the committee be concurred in, it was decided in the negative.

Mr. Collins moved to amend the bill as follows:

That hereafter before any *capias ad satisfaciendum* shall issue, the plaintiff or plaintiffs shall cause a notice to issue to the defendant or defendants, to appear before the court where the judgment may have been rendered, at a time in said notice to be mentioned, not to be less than three days before a justice, nor ten days before any court of record to shew cause why an execution of *ca. sa.* should not issue against him or them, and upon such hearing either party may claim a jury of six to try the issue submitted to them, or the same may be tried by the court, and the issue to be submitted for trial shall be whether the defendant or defendants or either of them have been guilty of fraud or concealment by which the officer or officers are unable to make the money on *fi. fa.* executions from the judgment; or in holding money or claims in his hands by which he or they might pay his or their debts; and if the finding be against said defendant or defendants execution of *ca. sa.* may issue subject to the law now in force, and if it shall be found against the plaintiff, no *ca. sa.* shall issue, and the party against whom such issue shall be found, shall pay the costs of trying it.

On motion of Mr. Harris,

Said amendment was laid on the table.

Mr. Parker moved to amend as follows:

Provided, That in each county in this State, on the first Monday in August in each year, three persons shall be elected by the people who shall be called a board of censors; and no citizen shall be entitled to the benefits of this act unless upon thorough examination being by said board had into the moral character of the citizen, he shall procure a certificate of his good morals from said board.

Mr. Walpole moved to lay the proposed amendment on the table.

The ayes and noes being demanded by Messrs. Parker and Walpole;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Morgan, Nave, Nickel, Parks, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Tannehill, Walpole, Watts, West and Wright.—39.

Those who voted in the negative were,

Messrs. Blair, Burke, Elliott, Herriman, Mount and Parker.—6.

So the amendment was laid on the table.

On motion of Mr. Harris, the following amendment was adopted:

That when any person who is imprisoned under the provisions of this law shall make affidavit before any person authorized to administer oaths, that he is unable support himself in prison, the plaintiff shall, in such case, stand chargeable for his support; and in case the said plaintiff shall fail or refuse to furnish the means necessary for the reasonable support of such person in prison, it shall be the duty of the jailer immediately to set such person at liberty.

On motion of Mr. Walpole, the rules were suspended and the bill read a third time.

The question being shall the bill pass,

The ayes and noes were demanded by Messrs. Parker and Herriman:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Nickel, Parks, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Tannehill, Walpole, Watts, West and Wright.—37.

Those who voted in the negative were,

Messrs. Burke, Eggleston, Elliott, Hoover of T., Hoover of W., Morgan, Mount, Nave, Parker and Pitcher.—10.

So the bill as amended was passed.

On motion of Mr. Bright, the order of business was suspended for the purpose of taking up the following message from the House of Representatives by Mr. Ritchey, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed the following bill thereof, to wit:

No. 169—an act for the relief of the heirs of Daniel Larimore, deceased.

In which I am directed respectfully to ask the concurrence of the Senate.

The bill was read three several times, (the rules having been dispensed with for that purpose) and passed.

On motion of Mr. Dobson, the order of business was suspended, and leave granted him to introduce the following resolution:

Resolved, That when the Senate adjourns it adjourn to meet again on Monday morning, at the usual hour.

On the adoption of which the ayes and noes were demanded by Messrs. Parks and Shanks:

Those who voted in the affirmative were,

Messrs. Blair, Carnan, Dobson, Elliott, Herriman, Parker, Reeve and Roberts.—8.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bright, Burke, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Davis, Eggleston, Everts, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Morgan, Mount, Nave, Nickel, Parks, Read, Sands, Shanks, Sheets, Sinclear, Tannehill, Walpole, Watts, West, Wright and Baird.—37.

So the resolution was not adopted.

On motion of Mr. Davis, the order of business was suspended, and leave granted him to introduce the following resolution:

Resolved, That the auditor of public accounts be directed to lay before the Senate a statement of the amount allowed and paid him out of the state treasury, for furnishing the several county auditors in this State with tract books, and also the whole amount of money he has received as such officer, including salary and all perquisites, for the year 1841.

Which was adopted.

MONDAY, JAN. 3, 1842.

The Senate assembled.

The following message was taken up, which was received from the House of Representatives by Mr. Ritchey, a member, on Friday last:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to bill of the House, as follows:

No. 62—An act for the completion of the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute.

The House of Representatives has adopted the following resolution: *Resolved*, That the House will (the Senate concurring therein) adjourn on Monday the 31st day of January next.

In which the concurrence of the Senate is asked.

Mr. Dobson moved to lay said resolution in said message on the table.

The ayes and noes were demanded by Messrs. Parker and Gregory:

Those who voted in the affirmative were,

Messrs. Angle, Blair, Bright, Burke, Carr of Jackson, Carnan, Chamberlain, Davis, Dobson, Eggleston, Harris, Herriman, Mount, Nickel, Pitcher, Read, Reeve, Sinclear, Watts and West—20.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Carr of Lawrence, Collins, Cornett, Elliott, Everts, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Kinzer, Miller, Nave, Parker, Parks, Roberts, Sands, Shanks, Sheets, Tannehill and Wright—23.

So the motion to lay on the table did not prevail.

Mr. Dobson moved to amend by striking out 31st of January and insert in lieu thereof the first Monday in February.

Mr. Sheets moved to amend the amendment as follows:

"Provided it shall not conflict with the public interest."

Mr. Miller moved to reconsider the vote taken upon laying the resolution on the table.

The ayes and noes were demanded by Messrs. Parker and Aker:

Those who voted in the affirmative were,

Messrs. Angle, Berry, Blair, Bright, Burke, Carr of Lawrence, Carnan, Chamberlain, Davis, Dobson, Eggleston, Harris, Herriman, Miller, Mount, Nickel, Pitcher, Read, Reeve, Sinclear, Tannehill, Watts and West—23.

Those who voted in the negative were,

Messrs. Aker, Baird, Collins, Cornett, Elliott, Everts, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Kinzer, Nave, Parker, Parks, Roberts, Sands, Shanks, Sheets, Walpole and Wright—20.

So the vote was reconsidered.

The question then recurring on laying the resolution on the table,

The ayes and noes were demanded by Messrs. Parks and Sands,

Those who voted in the affirmative were,

Messrs. Angle, Berry, Blair, Bright, Carr of J., Carnan, Chamberlain, Davis, Dobson, Eggleston, Everts, Harris, Herriman, Miller, Mount, Nickel, Read, Reeve, Sinclear, Tannehill, Walpole, Watts and West—23.

Those who voted in the negative were,

Messrs. Aker, Baird, Burke, Carr of L., Collins, Cornett, Elliott, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Kinzer, Nave, Parker, Parks, Roberts, Sands, Shanks, Sheets and Wright—20.

So the resolution was laid on the table.

The following message was received from the House of Representatives by Mr. Brown their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof, as follows:

No. 91—An act to amend an act entitled "an act to authorize the payment of contractors on the Wabash and Erie Canal east of the mouth of Tippecanoe river," approved February 15th, 1841.

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House has signed the following enrolled bill of the Senate, to-wit:

No. 64—An act to change the time of holding the circuit courts in Madison county.

Also the following enrolled bill of the House:

No. 62—An act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute.

Which several bills I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

No. 91 of the House in said message,

Was read a first time and ordered to a second reading on to-morrow.

PETITIONS WERE PRESENTED,

By Mr. Watts, from E. Ferris and others, stockholders in the Lawrenceburgh bridge company, praying amendment of their charter,

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Watts, Elliott and Mount compose said committee.

By Mr. Sands, from sundry citizens of Orange county, praying an act to permit certain citizens therein named the enjoyment of semiary privileges,

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Sands, Shanks and Miller compose said committee.

Mr. Eggleston moved to suspend the order of business for the purpose of taking up the orders of the day.

Which motion did not prevail.

By Mr. Aker, from sundry citizens of Wayne and Randolph counties, praying the repeal of an act therein named, and the appointment of commissioners to locate a State road, &c.,

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Aker, Baird and Angle compose said committee.

By Mr. Berry, from John and Samuel Mathers of Monroe county, praying for relief, which, on his motion, was referred to a select committee.

Ordered, that Messrs. Berry, Miller, and Dobson, compose said committee.

Mr. Chamberlain presented petitions and other papers, on the subject of a division of Kosciusko county, and the relocation of its county seat, which, on his motion, were referred to a select committee.

Ordered, that Messrs. Read, Pitcher, and Sands compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Wright made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred the petition of Samuel Hawn and others, praying for the passage of an act legalizing the acts of Isaac T. Sharp an acting justice of the peace, have had the same under consideration and directed me to report that legislation in conformity with the prayers of the petitioners would be improper and inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

Mr. Wright made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred the petition of Jacob L. Gebbart of Fountain county, for a divorce from Elizabeth his wife, have had the same under consideration and directed me to report, that the judicial branch of our Government is clothed with full power to grant divorces in all cases when sufficient cause exists. That it would be attended with great abuse if the Legislature should even upon *ex parte* proof of a sufficient ground for a divorce, interpose and set aside so solemn a contract without giving the opposite party timely notice of the application and taking of testimony. To adopt this course, would be to turn our legislative halls into a judiciary, and bother our bodies with legislation in which no public good would result, and much of our time, and money of the people, would be spent. This case is not even one in which a cause for divorce is exhibited, to say nothing of it not being established by *ex parte* proof. They therefore would report that legislation upon this subject is inexpedient.

The report was concurred in.

Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to whom was referred a resolution of the Senate requesting them to inquire into the expediency of authorising by law the printing in pamphlet form that part of the constitution and laws now in force in this State which relates to elections, and that each inspector of elections in the several townships to be entitled to one copy thereof, to be circulated in the same manner and at the same time with the laws, with leave to report by bill or otherwise, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

Bill No. 101, to provide for printing that part of the constitution of the United States and the State of Indiana and the several acts now in force on the subject of general elections;

Read a first time and ordered to a second reading on to-morrow.

Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to whom was referred the following preamble and resolution:

"Whereas, The eleventh section of an act prescribing the duties of county auditor, approved February 12, 1841, provides that all accounts, debts and demands not otherwise provided for shall be settled and allowed by said county auditor, therefore be it

"Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law wherein persons may feel themselves aggrieved by any of the acts of the said county auditors,

the right to an appeal to the boards doing county business or to some other tribunal that will exercise a controlling influence,"

Have had the same under consideration, and have directed me to report that legislation on the subject is inexpedient.

The report was concurred in and the subject deferred.

Mr. Bright made the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred a resolution of the Senate instructing them to report a bill prescribing the particular term in the year at which the board of county commissioners of the several counties shall discharge certain duties contemplated by the 10th, 29th and 30th sections of an act for the relief of the poor, and such other duties as are required by said act, have had that subject under consideration and directed me to report the following bill :

Bill No. 102, to amend an act for the relief of the poor, approved February 17, 1838 ;

Read and ordered to a second reading on to-morrow.

Mr. Gregory made the following report :

MR. PRESIDENT :

The standing committee on the judiciary, to whom was referred the following resolution of the Senate, to-wit :

"*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law that the sureties in appeal bonds in actions of ejectment, shall be liable for *mesne profits* from the date of the appeal bond until the final determination of the cause in the supreme court, in case judgment be there given against the appellant,"

Have had the same under consideration and have directed me to report the following bill :

Bill No. 103, supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1831 ;

Read a first time and ordered to be read a second time on to-morrow.

Mr. Harris made the following report :

MR. PRESIDENT :

The committee on the judiciary, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of supplying the several counties in this State with the road laws in pamphlet form, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its reference to the committee on roads.

The report was concurred in and the resolution accordingly referred.

Mr. Baird made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements, to whom was referred the report of S. M. Leavenworth, President of the Leavenworth and Bloomington Railroad Company, have had the same under consideration, and directed me to report that it is the decided opinion of your committee that the president of the company aforesaid is entitled to the gratitude of the legislature for the perfect detail he affords in his report of the doings and non-doings of the company. Had all the works of the State been in the same prosperous condition for years past, Indiana would have been but little in debt. Your committee recommend that said road remain in its present prosperous condition, with its president to watch over it and sound the alarm whenever an ant or a toad shall resolve to disturb its foundation. Your committee wish to be discharged from the further consideration thereof.

On motion of Mr. Angle,

Said report was laid on the table.

Mr. Watts made the following report :

MR. PRESIDENT :

The committee on agriculture, to which was referred a scurrilous *paper* without signature or date, have neglected to consider the same, and have come to the conclusion that to bestow any reflection or consideration on the subjects contained in said paper, would be a waste of time and a manifest departure from that serious and strict attention to business expected of us by our constituents ; and further, the committee being all farmers, (except one) are of opinion that said *paper* did not originate among that useful and meritorious class of citizens, but was intended as a burlesque upon them. The committee therefore, in justice to themselves and those they have the honor to represent, and the dignity of the Senate, ask to be discharged from any consideration of said *paper*.

The report was concurred in and the committee discharged from any consideration of the same whatever.

REPORTS FROM SELECT COMMITTEES.

Mr. Burke made the following report :

MR. PRESIDENT :

The select committee to which was referred a resolution inquiring into the expediency of amending the act pointing out the mode of levying taxes, so as to increase the tax on clock pedlers, have had the same under consideration, and directed me to report the following bill and recommend its passage :

Bill No. 104, to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841 ;

Read a first time and ordered to a second reading on to-morrow.
Mr. West made the following report :

MR. PRESIDENT :

The select committee to whom was committed the bill of the House No. 82, in relation to the licensing taverns and groceries, have had the same under consideration and instructed me to report the same without amendment and recommend its passage.

Mr. Wright moved to amend the bill as follows :

Provided, That such applicant procure a petition signed by a majority of the legal voters of such town or township.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. West and Chamberlain.

Those who voted in the affirmative were,

Messrs. Blair, Elliott, Everts, Mount, Nave, Parker, Reeve, Sands, Sheets, Watts and Wright—11.

Those who voted in the negative were,

Messrs. Burke, Carr of Lawrence, Chamberlain, Cornett, Davis, Dobson, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—21.

There not being a quorum present,

Mr. Harris moved a call of the Senate ;

Which motion prevailed,

When it appeared that several members were absent.

Mr. Harris moved that the absentees be sent for ; when

Mr. Parker asked leave of absence for Mr. Stevenson, and Mr. Nave for Mr. Moffatt ;

Which was granted ; and,

On motion of Mr. Read,

A further call of the Senate was dispensed with.

The question then recurring on the amendment proposed by Mr. Wright,

The ayes and noes were demanded by Messrs. West and Chamberlain.

Those who voted in the affirmative were,

Messrs. Angle, Blair, Everts, Mount, Parker, Reeve, Sheets, Watts, Wright and Eggleston—10.

Those who voted in the negative were,

Messrs. Aker, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Davis, Dobson, Elliott, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Roberts, Sinclear, Tannehill, Walpole and West—26.

So the amendment was not adopted.

Mr. Everts moved to amend as follows :

And that hereafter every person shall be authorised without license to retail liquors at pleasure in the county of Marion.

Mr. West moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Everts and Wright.

Those who voted in the affirmative were,

Messrs. Aker, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Davis, Dobson, Harris, Hatfield, Herriman, Kinzer, Nickel, Parks, Sheets, Sinclear, Tannehill, Walpole, Watts and West—22.

Those who voted in the negative were,

Messrs. Blair, Eggleston, Elliott, Everts, Gregory, Hoover of Tippecanoe, Miller, Mount, Nave, Parker, Pitcher, Read, Reeve, Roberts and Wright—15.

So the amendment was laid on the table.

Mr. Pitcher moved to amend by striking out from the enacting clause and insert the following :

That all laws and parts of laws authorising the licensing groceries in this State and all laws imposing fines for bartering and selling spirituous liquors by a less quantity than a quart at a time, be, and the same are hereby repealed.

Mr. Harris called for a division of the question.

The question then being on striking out,

The ayes and noes were demanded by Messrs. Everts and Chamberlain.

Those who voted in the affirmative were,

Messrs. Baird, Blair, Everts, Mount, Nave, Parker, Pitcher, Reeve, Sheets, Watts and Wright—11.

Those who voted in the negative were,

Messrs. Aker, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Davis, Dobson, Elliott, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—27.

So the motion to strike out did not prevail.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit :

No. 58, an act for the relief of Patrick Eagan ;

No. 61, an act for the relief of Patrick Rush ;

No. 62, an act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute ;

No. 169, an act for the relief of the heirs of Daniel Larimore, deceased ;

Also, the following enrolled with the engrossed bill of the Senate, to-wit :

No. 62, an act to amend an act incorporating congressional townships and providing for common schools therein, approved February 17, 1838, approved February 15, 1841.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have compared the following engrossed with the enrolled bill, originating in the House of Representatives, and find the same correctly enrolled, to-wit :

No. 31, an act regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled,

And in accordance with an order of the Senate took up the regular orders of business.

BILLS ON THEIR THIRD READING.

Bill No. 12, to amend an act entitled "an act to regulate taking up of animals going astray, and water craft and other articles of value adrift," approved February 15, 1841 ;

Read a third time and passed.

Bill No. 13, to repeal parts of a certain act therein named ;

Read a third time and passed.

Bill No. 23, to amend an act entitled "an act concerning proceedings in ejectment and for the relief of occupying claimants of land, approved January 13, 1831 ;

Read a third time and passed.

On motion of Mr. Harris

Bill No. 48, for the relief of Samuel D. Gresham, collector of Carroll county, was taken up and ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Nave

Engrossed bill No. 56, to provide for selecting petit jurors in Hendricks county and for other purposes was taken up and passed.

On motion of Mr. Elliott

The vote taken on bill No. 44 supplemental to the act entitled "an act to provide for keeper of the State House and Library," approved February 2, 1841, was reconsidered and the bill passed.

Bill No. 31, applying certain funds to purposes of education ;

Read a third time and passed.

Bill No. 45, for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe ;

Read a third time and passed.

Bill No. 58, to amend an act entitled "an act to revise and amend an act incorporating Congressional townships, and providing for public schools therein, approved February 17, 1838, approved February 15, 1841 ;

Read a third time and passed.

Bill No. 59, to repeal the act entitled "an act to provide for the settlement of suspended claims for labor on the public works, approved February 15, 1841 ;

Read a third time and passed.

Bill No. 79, to reorganize the state board of Equalization, and for other purposes ;

Read a third time ; when

Mr. Chamberlain moved a call of the Senate ;

Which motion prevailed, and on his motion a further call was dispensed with, and the bill laid on the table.

Bill 33, of the House, to amend an act entitled "an act for the promotion of schools and education in Clark's grant, approved February 15, 1838 ;

Read a third time and passed.

Bill No. 35, of the House, for the relief of Charles Percell, late collector of Posey county ;

Read a third time and passed.

Bill No. 40 of the House, for the relief of Nancy Close, wife of Samuel Close, deceased ;

Read a third time and passed.

Joint resolution No. 41 of the House, to provide for distributing the

acts of Congress, deposited in the office of the Secretary of State ;

Read a third time and passed.

Bill No. 45 of the House, to change a certain state road in Monroe county ;

Read a third time and passed.

Bill No. 49 of the House, to regulate the jurisdiction of justices of the peace, in the county of Dubois ;

Read a third time and passed.

Bill No. 25, to repeal an act entitled an "act to incorporate the town of Pinceton ;

Read a third time and passed.

Bill No. 1, of the House, to repeal certain laws therein named ;

Read a time ; when

Mr. Parker moved to lay it on the table.

The ayes and noes were demanded by Messrs. Parker and Read :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Mount, Nave, Parker, Pitcher, Reeve, Sands, Watts, and Wright. —23.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sheets, Sinclear, Tannehill, Walpole, and West.—22.

So the motion to lay on the table prevailed.

Bill No. 26, of the House, to incorporate the Greenville band of musicians ;

Read a third time and passed.

Bill No. 9, of the House, to incorporate the first Presbyterian church of Logansport ;

Read a third time ; when

Mr. Nave moved to lay on the table ;

Which motion prevailed.

On motion of Mr. Parker,

The vote on laying said bill on the table was reconsidered.

On the question to lay said bill on the table, their being a tie vote the President gave the casting vote in the negative.

The question then being put by the President shall the bill pass,

The ayes and noes were demanded by Messrs. Reeve and Walpole:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Burke, Carr of J., Carr of L., Carnan,

Collins, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Kinzer, Mount, Parker, Sands, Sheets, Sinclear, Tannehill, Watts and Wright.—23.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Chamberlain, Cornett, Davis, Dobson, Eggleston, Harris, Hatfield, Herriman, Miller, Nave, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Walpole and West.—22.

So the bill was passed.

BILLS ON THEIR SECOND READING.

Bill No. 68, to amend an act entitled an "act pointing out the mode of levying taxes, approved February 12, 1841 ;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Bill No. 69, reorganizing the several judicial circuits ;

Read a second time ; when

Mr. Harris moved to amend by striking out from the first judicial circuit, the county of Benton, and insert the same in the eighth circuit ;

Which motion prevailed.

On motion of Mr. Harris,

The county of Carroll was struck off from the eighth judicial circuit and attached to the first circuit.

Mr. Sheets moved to strike out the county of White from the eighth, and insert in the first judicial circuit ;

Which did not prevail.

Mr. Watts moved to recommit the bill to a select committee ;

Which motion was not adopted.

Mr. Sands moved to amend by striking Crawford county out of the fourth judicial circuit, and attach the same to the second circuit ;

Which did not prevail.

The question then being on the engrossment of the bill as amended for a third reading on to-morrow, it was decided in the affirmative.

Bill No. 70, authorizing the state treasurer to collect and pay over to the counties of DeKalb, Wells and Lake, the portion of the surplus revenue the same are entitled to ;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Bill 72, for the relief of the heirs of Robert Blair, deceased ;

Read a second time, ordered to be engrossed and read a third time on to-morrow.

Bill No. 60, of the House, to amend an act entitled "an act defining the duties of recorders," approved February 17, 1838 ;

Read a second time and, on motion of Mr. Baird, was laid on the table.

Bill No. 63, of the House, for the relief of Samuel Snoddy ;

Read a second time, ordered to be engrossed and read a third time on to-morrow.

Bill 65, of the House, amending an act entitled "an act to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of the Tippecanoe river," approved February 15, 1841 ;

Read a second time and, on motion Mr. Elliott, referred to the committee on canals and internal improvements.

Bill No. 66, of the House, for the relief William McClure of Franklin county ;

Read a second time and, on motion of Mr. Mount, referred to a select committee.

Ordered, that Messrs. Mount, Parker and Gregory compose said committee.

Bill No. 70, of the House, supplemental to an act entitled "an act for the prevention of frauds and perjuries," approved January 24, 1831 ;

Read a second time and,

On motion of Mr. Wright, referred to the committee on the judiciary.

Bill No. 71, of the House, to revise an act entitled "an act to incorporate the town of Moorsville, in Morgan county ;"

Read a second time and,

On motion of Mr. Wright, referred to the committee on corporations.

Bill No. 74, of the House, to legalize the marriage of William Gape and Malinda G. Moore ;

Read a second time and, on motion of Mr. Elliott, referred to a select committee.

Ordered, that Messrs. Elliott, Eggleston and Walpole compose said committee.

Bill No. 76, of the House, amendatory of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein mentioned ;

Read a second time and, on motion of Mr. Pitcher, referred to a select committee.

Ordered, that Messrs. Pitcher, Davis and Miller, compose said committee.

Bill No. 77, of the Senate, to amend an act entitled "an act for the regulation of the state prison," approved February 3, 1841 ;

Read a second time:

On motion of Mr. Read, the blank in said bill was filled with \$5000.

On motion of Mr. Read the following amendment was adopted :

That the physician of the state prison be allowed one hundred dollars in addition to his present salary.

The bill was then ordered to be engrossed as amended and read a third time on to-morrow.

Bill No. 75, to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838 ;

Read a second time ; when, on motion of Mr. Burke, the blank in said bill was filled with \$5.

Mr. Nave moved to refer the bill to a select committee ;

Which motion did not prevail.

The question then being on ordering the bill to be engrossed and read a third time on to-morrow, it was decided in the negative.

Bill No. 74, to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved Februrary 17, 1838 ;

Read a second time ; when Mr. Pitcher moved to amend so as to apply to "judgments heretofore rendered ;" which amendment was not adopted.

Mr. Pitcher moved to amend as follows :

That all recognizance of replevin bail hereafter entered in any justices court, shall have the force and effect of a judgment against the judgment debtor and his security for the stay of execution.

Mr. Elliott moved to amend the amendment as follows :

Provided, That no execution shall issue against such bail, until a return "no property found," on an execution against the judgment defendant or defendants.

Prior to any action on either of the two pending amendments,

On motion, the Senate adjourned.

TUESDAY, JAN. 4, 1842.

The Senate assembled,

The following message was received from his Excellency the Governor, by Mr. Kiersted, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that he has this day approved and signed,

No. 64—An act to change the time of holding the circuit court in Madison county ;

Which originated in the Senate.

Mr. Pitcher from the committee on enrolled bills made the following report:

Mr. President:

The committee on enrolled bills report that they did on this day present to the Governor for his approval and signature, the following entitled act, to-wit:

No. 64—An act to change the time of holding the circuit court in Madison county.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof as follows, to-wit:

No. 166—An act to amend an act entitled "an act amendatory to the charter of Michigan city," app. Feb. 15, 1841;

No. 176—An act to abolish imprisonment for debt.

In which I am directed respectfully to ask the concurrence of the Senate.

The Speaker of the House has signed the following enrolled bills thereof, to-wit:

N. 31—An act regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo;

No. 58—An act for the relief of Patrick Eagan;

No. 61—An act for the relief of Patrick Rush;

No. 169—An act for the relief of the heirs of Daniel Larrimore deceased;

Also the following enrolled bill of the Senate, to-wit:

No. 62—An act to amend "an act incorporating congressional townships, and providing for public schools therein," app. Feb. 17, 1838, app. Feb. 15, 1841;

Which several bills I am instructed to bring to the Senate for the signature of the President thereof;

The President accordingly signed the same.

Bills 166, and 176, of the House, in said message were read and ordered to a second reading on to-morrow.

Mr. Harris moved to suspend the orders of business for the purpose of taking up the "orders of the day;

Which motion did not prevail.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Chamberlain presented the remonstrance of sundry citizens of Kosciusko county, against the division of said county;

On his motion, referred to the same committee to which was referred petitions praying for said division.

Mr. Aker presented the remonstrance of sundry citizens of Ran-

dolph and Jay counties, against the change of a certain road therein named;

Which, on his motion, was referred to the same select committee, composed of Messrs. Aker, Angle and Berry, to whom was referred certain petitions in favor of said change.

REPORTS FROM STANDING COMMITTEES.

Mr. Angle made the following report:

Mr. President:

The judiciary committee, to whom was referred a resolution directing an inquiry into the expediency of authorising agents of the surplus revenue and others, when they bid in land for the State, county or township, to sell the same, have had that subject under consideration, and authorised me to report the following bill and recommend its passage:

Bill No. 104, to authorise agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State;

Read a first time and ordered to a second reading on to-morrow.

Mr. Elliott made the following report:

Mr. President:

The committee on the judiciary, to which was referred a resolution instructing said committee to inquire and report whether an act entitled an act for the preservation of sheep, approved Jan. 25, 1841, is general or local in its operations, have, according to order, had the same under consideration, and have instructed me to report that in the opinion of said committee said act was intended to be confined to the counties of Fayette and Franklin; yet, from its peculiar phraseology, it is believed that a fair interpretation thereof, according to the rules by which laws are generally construed, it would be held to be a general law, and extend to all the counties in the State. Therefore, for the purpose of confining the operation of said act to said counties of Fayette and Franklin, the committee have instructed me to report the following bill:

No. 105, a bill to amend an act entitled on act for the preservation of sheep, approved January 25, 1841;

Read a first time and ordered to a second reading on to-morrow.

Mr. Cornett made the following report:

Mr. President:

The judiciary committee, to which was referred bill No. 60, of the Senate, providing for a repeal of so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock, and other matters therein contained, have had the same under

consideration, and have directed me to report it back without amendment and recommend its passage.

The bill was ordered to be engrossed and read a third time on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Pitcher made the following report ;

MR. PRESIDENT :

The select committee to whom was referred the bill of the Senate No. 61, entitled "a bill supplemental to an act entitled an act concerning clerks," have, according to order, had the same under consideration, and have instructed me to report it back to the Senate, recommending that it be stricken out from its enacting clause and that the bill herewith reported be adopted in lieu thereof.

On motion of Mr. Herriman,

The bill and amendment were recommitted to the committee on the judiciary.

Mr. Pitcher made the following report ;

MR. PRESIDENT :

The select committee to whom was referred the bill of the Senate No. 76, entitled "a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838, have, according to order, had the same under consideration, and have instructed me to report the same back to the Senate and ask to be discharged from the further consideration thereof.

The report was concurred in and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Pitcher made the following report ;

MR. PRESIDENT :

The select committee to whom was referred the bill of the Senate No. 65, entitled a bill to define the duties of county auditors, have, according to order, had the same under consideration, and instructed me to report it back to the Senate and ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill,

On motion of Mr. Pitcher,

Laid on the table.

On motion of Mr. Pitcher,

The vote on the engrossment of bill No. 76, entitled "a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838, was reconsidered and the bill laid on the table.

Mr. Watts made the following report :

MR. PRESIDENT :

The select committee to which was referred the petition of Ezra Ferris and others, praying an amendment to the charter of the Lawrenceburgh Bridge Company, have had the same under consideration, and have directed me to report the following bill :

Bill No. 106, to amend the several acts now in force incorporating the Lawrenceburgh Bridge Company.

On motion of Mr. Watts,

The rules were suspended and the bill read three several times.

The question then being, Shall the bill pass ?

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bright, Burke, Carr of Jackson, Carnan, Collins, Cornett, Dobson, Davis, Eggleston, Elliott, Everts, Gregory, Harris, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts, West and Wright—40.

Those who voted in the negative were,

Messrs. Carr of Lawrence, Chamberlain, Hatfield, Herriman, Sinclair and Walpole—6.

So the bill was passed.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to the Governor, for his approval and signature, the following entitled acts, which originated in the House of Representatives, to-wit :

No. 169, an act for the relief of the heirs of Daniel Larimore, deceased ;

No. 61, an act for the relief of Patrick Rush ;

No. 58, an act for the relief of Patrick Eagan ;

No. 31, an act regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo.

And also the following entitled act, which originated in the Senate, to-wit :

No. 62, an act to amend an act incorporating congressional town-

ships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841.

RESOLUTIONS.

On motion of Mr. West,

Resolved, That the committee on the State Bank inquire into the expediency of better regulating the duties and fees of notaries who transact business for or on account of the bank, and of providing that said notaries shall not be officers of the bank, or in any way connected therewith, and report by bill or otherwise.

On motion of Mr. Parker,

Resolved, That the President of the State Bank be requested to report to the Senate, whether the interest on the bonds of the State, sold in 1834, 1835, and 1836, for the purpose of creating stock for said Bank, has heretofore been regularly paid; and in case it has not then state when the failure happened, for what cause, and to what extent; and also state if arrangements have been made which will secure the punctual payment of the semi-annual instalment of interest due on the first Jan. 1842, and if not state why.

On motion of Mr. Chamberlain,

Resolved, That Noah Noble Fund Commissioner, be requested to lay before the Senate all the documents in his possession relating to the financial affairs of the State as connected with the public works, and also all papers and opinions, together with the entire manuscript appendix to his report on this subject, referred to in said report.

On motion of Mr. Bright,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending an act establishing the office and defining the duties of Notary Public, approved January 26, 1824, as to provide that said Notary Public shall not on any note, foreign or inland bill of Exchange protested for non-payment, be entitled to charge more than one dollar for all the duties required of him in and about the protesting of such note or notes, foreign or inland bills of exchange, and all the persons therein named as contemplated by the 4th section of the act to which this is an amendment.

On motion of Mr. Carr of L.,

Resolved, That the judiciary committee be requested to enquire what enactments are necessary to be made in order to legalize the proceedings of school commissioners or others, in action brought to vest the title of real estate, in the State of Indiana, or individuals for the non-payment of taxes under the act of 1835, where said actions have been commenced since the taking effect of an act of 1839 on that subject, with leave to report by bill or otherwise.

On motion of Mr. Wright,

Resolved, That a select committee be appointed who shall enquire into the expediency of reporting a bill authorizing the appointment of commissioners whose duty it shall be to relocate certain parts of the

Michigan road lying between Northfield in Boone county and Kirklin in Clinton county.

Ordered, that Messrs. Wright, Angle, and Baird compose said committee.

On motion of Mr. Chamberlain,

Resolved, That the committee on finance enquire into the expediency of providing by law that an examination be made of the commissioners, officers of the university fund, and of the saline fund from the first sales, and that proper books and maps be made out for the respective officers entrusted with the management of said funds, and the commissioners of the townships; also a report to the superintendent, of all the receipts and disbursements by the respective commissioners, to be laid before the General Assembly agreeable to the suggestions of the report of the Auditor of State in reference thereto.

And also, enquire into the propriety of providing that in future that the professors and other officers of the State University be paid directly at the treasury as other State officers, agreeable to like suggestions.

On motion of Mr. Harris,

Resolved, That the board of internal improvement be instructed to inform the Senate what amount of the debt due from the State to the Lafayette Branch of the State Bank was advanced by said branch for the construction of the Wabash and Erie canal east of the Tippecanoe river.

On motion of Mr. Mount,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill exempting the husband from the payment of debts contracted, or owing, by the wife before the intermarriage with her said husband in all cases wherever the same would not have been obtained before said intermarriage.

Mr. Baird offered the following resolution:

Resolved, That a select committee be appointed to report a bill reducing the interest upon all moneys, whether belonging to individuals or the State or otherwise, to a rate of interest not exceeding 6 per centum per annum.

The question being on its adoption,

The ayes and noes were demanded by Messrs. Elliott and Walpole:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Carnan, Davis, Dobson, Everts, Gregory, Harris, Herriott, Kinzer, Nave, Nickel, Parks, Pitcher, Shanks, Tannehill, Walpole, West and Wright.—20.

Those who voted in the negative were,

Messrs. Berry, Blair, Bright, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Eggleston, Elliott, Hatfield, Herriman, Hoover of T.,

Hoover of W., Miller, Mount, Parker, Read, Reeve, Roberts, Sands, Sheets, Stevenson, and Watts.—24.

So the resolution was not adopted.

On motion of Mr. Chamberlain the vote just taken was reconsidered.

The question then being on the adoption of the resolution Mr. Harris moved to amend as follows :

With the exception of those funds, the interest on which is appropriated to the support of common schools and colleges.

Mr. Herriman moved to amend the amendment by inserting "all other funds belonging to the State.

Mr. Miller moved to lay the proposed amendments on the table.

The ayes and noes were demanded by Messrs. Herriman and Walpole :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Burke, Carnan, Davis, Everts, Herriott, Hoover of T., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Reeve, Shanks, Sinclear, Tannehill, and Walpole.—20.

Those who voted in the negative were,

Messrs. Berry, Blair, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Dobson, Eggleston, Elliott, Gregory, Harris, Hatfield, Herriman, Hoover of W., Mount, Parker, Read, Roberts, Sands, Sheets, Stevenson, Watts, West and Wright.—25.

So the motion to lay on the table did not prevail.

The question then being on the amendment proposed by Mr. Herriman to the amendment,

The ayes and noes were demanded by Messrs. Baird and Walpole:

Those who voted in the affirmative were,

Messrs. Berry, Blair, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Eggleston, Elliott, Hatfield, Herriman, Hoover of W., Mount, Parker, Read, Sands, Stevenson and Watts.—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Burke, Carnan, Davis, Dobson, Everts, Gregory, Harris, Herriott, Hoover of T., Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Reeve, Roberts, Shanks, Sheets, Sinclear, Tannehill, Walpole, West and Wright.—27.

So the amendment was not adopted.

Mr. Stevenson moved to amend as follows :

"And all the funds belonging to chartered universities and colleges."

Mr. Elliott moved to indefinitely postpone the bill and proposed amendments.

The ayes and noes were demanded by Messrs. Baird and Walpole :

Those who voted in the affirmative were,

Messrs. Berry, Blair, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Eggleston, Elliott, Hatfield, Herriman, Hoover of T., Hoover of W., Mount, Parker, Read, Reeve, Roberts, Sands, Stevenson, and Watts—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Burke, Carnan, Davis, Dobson, Everts, Gregory, Harris, Herriott, Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole, West, and Wright—24.

So the motion to indefinitely postpone did not prevail.

The question then being on the amendment to the amendment,

It was decided in the affirmative.

The President then put the question,

Shall the amendment as amended be adopted,

It was decided in the affirmative.

Mr. Chamberlain moved to amend by adding the following proviso:

Provided, That in all cases the borrower may by written agreement, give, not exceeding ten per cent.

On motion of Mr. Harris,

The resolution and pending amendments were laid on the table.

On motion of Mr. Eggleston,

The orders of business were suspended, and leave granted him to introduce

Bill No. 107—to close the system of internal improvements, and to abolish all the officers and agents connected therewith;

Read a first time, and ordered to a second reading on to-morrow.

The following message was received from his Excellency the Governor, by Mr. Keirsted his private secretary:

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed,

No. 62—An act to amend an act incorporating congressional townships and providing for public schools therein, app. Feb. 17, 1838, app. Feb. 15, 1841;

Which originated in the Senate.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Dobson,

The vote on the passage of bill No. 13 was reconsidered, and after amending the same, was passed.

ORDERS OF THE DAY.

Bills on their second reading—

The Senate again resumed the consideration of Bill No. 74, to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838; which,

On motion of Mr. Harris,

Was laid on the table.

On motion of Mr. Herriman,

The bill of the House repealing the board of equalization, was taken up.

Mr. Parker moved a call of the Senate.

Mr. Berry asked leave of absence for Mr. Hatfield;

Which was granted.

On motion of Mr. Elliott,

The absent members were sent for.

Mr. Harris moved that a further call of the Senate be dispensed with;

Which motion did not prevail.

Mr. Aker asked leave of absence for Mr. Foster;

Which was granted.

Mr. Gregory moved that the vote on dispensing with a further call of the Senate be reconsidered.

Mr. Watts moved to lay the motion of Mr. Gregory on the table.

The ayes and noes were demanded by Messrs. Parker and Aker.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Reeve, Sands, Watts and Wright—21.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks, Read, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—20.

So the motion to lay on the table prevailed.

Bill No. 78, to amend act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, approved January 30, 1841;

Read a second time, ordered to be engrossed and read a third time on to-morrow.

Bill No. 80, to amend certain acts therein named;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Harris moved to take from the table a bill in relation to the jurisdiction of justices of the peace;

Which motion did not prevail.

Bill No. 81, entitled an act repealing so much of the revenue laws, approved February 12, 1841, as relates to the travelling fees of county treasurers,

Was read a second time and ordered to be engrossed for a third reading.

Bill No. 82, entitled an act to change the mode of doing county business in the county of Daviess,

Was read a second time and ordered to be engrossed for a third reading.

Bill No. 83, entitled an act to repeal the State Board of Equalization,

Was read a second time; whereupon,

Mr. Gregory moved that it be laid upon the table.

Upon which question the ayes and noes were called by Messrs. Herriman and Carr of Lawrence.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Reeve, Sands, Watts and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole and West—23.

The motion to lay upon the table did not prevail.

The question then recurring on the engrossment of the bill,

The ayes and noes were demanded by Messrs. Read and Walpole.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Eggleston, Harris, Herriman,

Kinzer, Miller, Nickel, Parks, Read, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole and West—26.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Burke, Carnan, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Reeve, Watts and Wright—19.

So the bill was ordered to be engrossed for a third reading on tomorrow.

Mr. Elliott moved to take from the table bill No. 79;

Upon which question the ayes and noes were demanded by Messrs. Herriman and Harris.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Watts and Wright—23.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Stevenson, Tannehill Walpole and West—22.

The bill was taken from the table.

Mr. Chamberlain moved to recommit the bill to the judiciary committee with instructions to strike out "Auditor of State."

Mr. Harris moved to postpone the bill until the first Monday in August next;

Upon which question the ayes and noes were demanded by Messrs. Watts and Elliott.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—22.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Watts and Wright—23.

The motion did not prevail.

The question recurring on Mr. Chamberlain's motion to recommit the bill to the judiciary committee, with the instructions aforesaid, Mr. Parker called for a division of the question.

The question then being on such division,

The ayes and noes were called by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Walpole and West—19.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Tannehill, Watts, and Wright—26.

The bill was not recommitted.

The question then being, Shall the bill pass?

The ayes and noes were demanded by Messrs. Herriman and Parks.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Watts and Wright—23.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—22.

So the bill passed.

Bill No. 84, entitled an act declaratory of the meaning of an act to prevent speculation by collectors in treasury notes and other moneys,

Being read a second time,

Mr. Baird moved to strike out the words "and it is hereby enacted and declared by the authority aforesaid;"

Which motion prevailed.

Mr. Chamberlain moved to commit the bill to the judiciary committee;

Which motion also prevailed, and said bill was so committed.

Bill No. 85, entitled a bill to legalise the election and official acts of the probate judge of St. Joseph county,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

Bill No. 86, entitled an act to extend the time of holding probate courts in the county of Jefferson,

Being read a second time,

Mr. Shanks moved to amend by inserting after Jefferson the word "Washington," so as to make it applicable to Washington county also;

Which amendment was agreed to.

The bill, as amended, was then ordered to be engrossed for a third reading on to-morrow.

Bill No. 87, for the relief of John Tate;

Read a second time; and,

On motion of Mr. Walpole,

Referred to the committee on the judiciary.

Bill No. 88, to repeal a part of an act entitled an act to amend an act relating to crime and punishment, approved February 10, 1831, approved February 8, 1841;

Read a second time; and,

On motion of Mr. Harris,

Referred to the judiciary committee.

Bill No. 89, to incorporate the Martinsville band of musicians;

Read a second time, and,

On motion of Mr. Chamberlain,

Referred to the committee on corporations.

Bill No. 90, to repeal an act entitled an act to authorise Thomas S. Hinde to establish a ferry therein named, approved January 19, 1841;

Read a second time; and,

On motion of Mr. Carnan,

Laid on the table.

Bill No. 91, for the appointment of a commissioner to make deeds, and for other purposes;

Read a second time; and,

On motion of Mr. Nave,

Referred to the judiciary committee.

Bill No. 92, to prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent;

Read a second time; and,

On motion of Mr. Nave,

Referred to the committee on canals and internal improvements.

Bill No. 93, to provide for the popular election of prosecuting attorneys, and for other purposes;

Read a second time; and,

On motion of Mr. Watts,

Was referred to the committee on the judiciary.

Bill No. 94, to legalise the election and official acts of the probate judge of the county of St. Joseph, Indiana;

Read a second time and ordered to be engrossed and read a third time on to-morrow.

Bill No. 95, to provide means to aid in opening roads and highways;

Being under consideration,

Mr. Herriman moved its indefinite postponement;

Which motion prevailed.

No. 96, a bill to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841;

Being read a second time, was,

On motion of Mr. Mount,

Referred to the committee on finance.

No. 97, a bill to amend an act entitled an act to regulate general elections;

Was read a second time; and,

On motion of Mr. Mount,

Referred to the committee on elections.

No. 98, a bill to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840;

Was read a second time; and,

On motion of Mr. Herriman,

Referred to the committee on corporations.

No. 99, a bill to fix the fees of printers for advertising property to be sold on execution,

Was read a second time; when

Mr. Pitcher moved to strike out from the enacting clause and insert a substitute.

Mr. Chamberlain moved to indefinitely postpone said bill and pending amendment.

The ayes and noes were demanded by Messrs. Aker and Gregory.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Harris, Herriman, Kinzer, Miller, Nickel, Parks and Sinclair—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Blair, Burke, Carnan, Collins, Cornett, Davis, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Walpole, Watts and Wright—30.

So the motion to indefinitely postpone did not prevail.

On motion of Mr. Parks,

The bill was amended by striking out the words "six cents."

On motion of Mr. Pitcher,

The blank was filled with the words "four cents."

The question then recurring on the amendment as amended, it was decided in the affirmative.

Mr. Herriman moved to amend as follows :

"This act shall take effect and be in force in the counties of Delaware, Randolph, Posey and Vanderburgh only."

On motion,

The Senate adjourned.

WEDNESDAY, JAN. 5, 1842.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives, to inform the Senate, that the House has passed engrossed bill of the Senate as follows :

No. 22—an act to amend an act, entitled, "an act to incorporate the Richmond trading and manufacturing company ;"

With one amendment, in which the concurrence of the Senate is respectfully asked.

The House has also passed the following engrossed bill thereof, to-wit :

No. 115—an act relative to the distribution of public arms ;

In which I am directed most respectfully to ask the concurrence of the Senate.

Mr. Burke moved that the Senate concur in the amendment made by the House.

The ayes and noes were demanded by Messrs. Chamberlain and Harris.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Davis, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Mount, Parker, Reeve, Shanks, Sheets, Stevenson, Tannehill, Watts, and Wright—26.

Those who voted in the negative were,

Messrs. Berry, Carr of J., Carr of L., Chamberlain, Dobson, Har-

ris, Hatfield, Herriman, Kinzer, Miller, Nave, Nickel, Parks, Read, Sinclear, and West—16.

So the amendment was concurred in.

Bill No. 115—relative to the distribution of public arms, in said message, was read a first time, and ordered to a second reading.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills, report that they have compared the following enrolled with the engrossed bill of the House of Representatives, to-wit :

No. 45—an act to provide for the distribution of the laws of Congress, to the several counties in this State ;

And have found the same correctly enrolled.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have compared the following engrossed with the enrolled bills of the Senate and find them correctly enrolled, to-wit :

No. 49—an act to declare a county road therein named, a State road ;

No. 16—an act to amend an act incorporating the town of Greensburgh, approved Feb. 4, 1837 ;

No. 51—an act declaring a certain name a misprint ;

No. 52—an act declaring a certain road therein named, a public highway ;

No. 39—an act for the relief of the heirs and administrator of the estate of Cornelius A. Dumaree, deceased ;

No. 57—an act to repeal an act, entitled, an act to amend an act entitled an act incorporating a seminary in the county of Gibson, and for other purposes, approved Feb. 13, 1841.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Read presented the petition of numerous citizens of Jeffersonville and vicinity, requesting the attention of the Legislature, to the grievances under which the labor, from the continued employment of the convicts of the penitentiary, amongst them ;

Which, on his motion, was referred to the committee on the State prison.

Mr. Collins presented the petition of sundry citizens of Floyd county, praying for an act of incorporation for a seminary therein named ;

Which, on his motion, was referred to the committee on corporations.

Mr. Herriman presented the petition of Isaac Spencer, recorder of Noble county, praying a special act authorising him to change certain erroneous records therein named;

Which, on his motion, was referred to a select committee.

Ordered, That Messrs. Herriman, Sinclair, and Baird compose said committee.

Mr. Stevenson presented the petition of sundry citizens of Putnam county, praying for a reduction of officers' salaries, &c.;

Which, on his motion, was referred to a select committee.

Ordered, That Messrs. Stevenson, Tannehill, and Hoover of W., compose said committee.

Mr. Aker presented the petition of Hiram Mendenhall and E. B. Goodrich, trustees of the seminary of Randolph county, praying for relief in behalf of the builder of said seminary;

Referred, on his motion, to the committee on education.

Mr. Chamberlain presented the petition of M. C. Dougherty and others, citizens of Elkhart county, praying an act in relation to their county library; which,

On motion of Mr. Chamberlain,

Was referred to a select committee.

Ordered, That Messrs. Chamberlain, Carr of J., and Tannehill compose said committee.

Mr. Davis presented a communication from John Moser, of Martin county;

Which, on his motion, was laid on the table.

Mr. Chamberlain presented the remonstrance of M. C. Dougherty and other citizens of Elkhart county, against a two years' stay law, and other matters therein named;

Which remonstrance, on motion of Mr. Nave, was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Elliott made the following report:

MR. PRESIDENT:

The committee on elections, to which was referred a resolution requiring them to report a bill amendatory to an act entitled an act more effectually to secure the purity of elections, app. Feb. 15, 1841, so that the person voting without the legal qualifications of a voter, shall be compelled to testify in cases of a contested election when called on as a witness; and that the statements so made shall not be given as evidence on the trial of such person for the violation of said act, have according to order had the same under consideration and instructed me to report a bill in pursuance of said resolution.

Bill No. 103—to amend an act entitled “an act more effectually to secure the purity of elections, app. Feb. 15, 1841;

Read a first time, and ordered to a second reading on to-morrow.

Mr. Elliott made the following report:

MR. PRESIDENT:

The committee on elections to which was referred the credentials of members of the Senate who appeared and were sworn into office during the present session, have according to order had the same under consideration, and have instructed me to report that said credentials are all in due form of law, and contain the necessary legal evidence of election.

REPORTS FROM SELECT COMMITTEES.

Mr. Sands made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Orange county in relation to a certain school district, have had the same under consideration and have directed me to report the following bill:

Bill No. 109—for the relief of the inhabitants of school district therein named in Orange county;

Read a first time, and ordered to a second reading on to-morrow.

Mr. Elliott made the following report:

MR. PRESIDENT:

The select committee to which was referred an engrossed bill of the House, No. 74, an act to legalize the marriage of William Gapen and Malinda G. Moore, have according to order, had the same under consideration and have instructed me to report it back to the Senate, with one amendment, by striking it out from the enacting clause, and inserting a substitute herewith reported, and recommend its passage.

The substitute as reported was ordered to be engrossed and read a third time on to-morrow.

Mr. Dobson made the following report:

MR. PRESIDENT:

The select committee to whom was referred an engrossed bill of the House of Representatives, No. 38, to repeal an act entitled an act for opening and repairing roads and highways in the counties of Owen, Lawrence and Greene, have had the same under consideration and have directed me to report it back to the Senate and recommend its passage.

On motion of Mr. Dobson,

The rules were suspended, the bill read a third and passed, when Mr. Dobson moved to amend the title so as to read as follows :

An act to amend an act entitled "an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved February 1st, 1834 ;

Which motion prevailed, and the title so amended,

Mr. Mount made the following report :

MR. PRESIDENT :

The select committee to whom was referred an engrossed bill of the House, No. 66, for the relief of Wm. McClure of Franklin county, have had the same under consideration and have directed me to report the same back to the Senate and recommend its indefinite postponement, in as much as the laws now in force on that subject within this State provide for the remedies sought for.

The report was concurred in, and the bill indefinitely postponed.

Mr. Nave made the following report :

MR. PRESIDENT :

The select committee to which was referred an engrossed bill of the House of Representatives, No. 25, entitled a bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831, agreeably to order have had the same under consideration and owing to numerous amendments which were made thereto in the Senate, previous to the reference of said bill, the committee have thought proper to copy the original bill of the House with some slight amendments thereto, but not so as to materially alter the sense or meaning thereof ; wherefore, they have struck the bill of the House with the amendments made thereto, out from its enacting clause, and have inserted the bill herewith reported ; in which amendment the concurrence of the Senate is respectfully requested.

Mr. Cornett moved to add to the end of section 10 the following :

Provided, That nothing in this act shall be so construed as to prevent any manual laborer or laborers, school teacher or school teachers, from collecting from his, her, or their employer or employers, any wages or tuition fees now due, or which may hereafter become due, according to the laws now in force on the subject of executions ; and the provisions of this section shall not be so construed as to extend to any lawyer, physician, or other professional man, for professional or other services, with the exception of school teachers as above provided.

Mr. Harris moved to lay the proposed amendment on the table.

The ayes and noes were demanded by Messrs. Collins and Cornett ;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Carr of L., Chamberlain, Davis, Everts, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Miller, Nave, Nickel, Reeve, Shanks, Sinclear, Stevenson. Tannehill, Walpole and West.—27.

Those who voted in the negative were,

Messrs. Burke, Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Herriman, Kinzer, Morgan, Mount, Parker, Parks, Pitcher, Read, Roberts, Sands, Sheets, Watts and Wright.—20.

So the amendment was laid on the table.

Mr. Parker moved to amend as follows :

This act shall, immediately upon its approval by the Governor, be published in the Indiana Journal and State Sentinel, and it shall be the duty of the Secretary of State to immediately transmit to the clerk of each circuit court in this State, by mail, in separate envelopes, a copy of each of those papers containing this act, and it shall be in force in each county from and after the day following the day of the receipt of the same, as aforesaid by the several clerks.

Mr. Harris moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Parker and West :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Carr of J., Chamberlain, Davis, Dobson, Harris, Hatfield, Herriman, Herriott, Hoover of W., Kinzer, Nave, Nickel, Parks, Shanks, Sinclear, Tannehill, Walpole and West.—24.

Those who voted in the negative were,

Messrs. Blair, Burke, Carr of L., Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Hoover of T., Miller, Morgan, Mount, Parker, Pitcher, Read, Reeve, Roberts, Sands, Sheets, Stevenson, Watts and Wright.—24.

The President giving the casting vote in the negative, the motion to lay on the table did not prevail.

The question being on the amendment of Mr. Parker,

The ayes and noes were demanded by Messrs. Aker and Walpole :

Those who voted in the affirmative were,

Messrs. Berry, Blair, Burke, Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Gregory, Hoover of T., Hoover of W., Morgan, Mount, Parker, Read, Reeve, Roberts, Sheets, Watts and Wright.—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Bradley, Bright, Carr of J., Carr of L., Chamberlain, Davis, Everts, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Nave, Nickel, Parks, Pitcher, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West.—27.

The amendment did not prevail.

Mr. Gregory moved to amend as follows :

Add the following between the 5th and 6th sections :

SEC. It shall be the duty of the officer having such execution, to use due diligence in the collection of money required to be made by such writ, without regard to the return day thereof ; and in executions issued by a justice of the peace, the judgment plaintiff, his agent or attorney, shall have the power to call upon the officer having such execution at the expiration of every thirty days from the date thereof for an accounting ; and in executions issued from circuit or probate courts the judgment plaintiff, his agent or attorney, may call upon the officer having such execution, at the expiration of every ninety days from the test thereof for a like accounting. And in either case, if the officer fail or refuse to account for his doings therein, the officer so failing or refusing, and his securities shall be liable to the party injured in action of debt upon his official bond, or in cases where the execution is issued by a justice of the peace, the officer may be proceeded against by *scirefacias*, or in cases where the execution is issued from the probate or circuit court, the officer may be proceeded against by notice and motion according to the law now in force on that subject.

On motion of Mr. Walpole, said amendment was laid on the table.

Mr. Wright moved to amend as follows :

Said officers shall seize and take property on executions issued from justices and from the circuit court immediately after the writs of execution come to their hands, and shall offer the same at sale at the earliest day (time being given for advertisement) and such plaintiff afterwards can have as many sales and as often as the same can be advertised, provided the execution plaintiff pays all costs after the first offer of sale under any one execution.

Mr. Walpole moved to lay said amendment on the table.

The ayes and noes were demanded by Messrs. Walpole and Wright :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bright, Carr of J., Chamberlain, Davis, Dobson, Harris, Hatfield, Herriott, Kinzer, Miller, Nave, Nickel, Pitcher, Sands, Sinclear, Stevenson, Tannehill, Walpole and West.—22.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of L., Carnan, Collins, Cor-

nett, Eggleston, Elliott, Everts, Gregory, Herriman, Hoover of T., Hoover of W., Morgan, Mount, Parker, Parks, Read, Reeve, Roberts, Shanks, Sheets, Watts and Wright.—26.

So the motion to lay on the table did not prevail.

Mr. Morgan moved that the Senate adjourn ;

Which motion did not prevail.

The question then recurring on the amendment of Mr. Wright,

The ayes and noes were demanded by Messrs. Herriman and Aker:

Those who voted in the affirmative were.

Messrs. Burke, Collins, Cornett, Elliott, Herriman, Morgan, Mount, Parker, Parks, Reeve, Roberts, Sheets, Watts and Wright.—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Eggleston, Everts, Gregory, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Nave, Nickel, Pitcher, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West.—33.

So the amendment did not prevail.

Mr. Pitcher moved to amend as follows :

That the provisions of this act requiring property sold on execution to bring two-thirds of its appraised value shall not extend to judgments, decrees and orders rendered in any court of this State, upon contracts made and liabilities incurred, subsequently to the first day of January, A. D. 1842.

Provided, however, The giving a note or writing obligatory for an old debt, or the renewal of an existing note, bill of exchange, or writing obligatory for the payment of money, shall not be considered a new contract, so as to take it out of the provisions of this act, and the defendant or defendants may prove these facts under the general issue and the court shall order the same when proved to be endorsed on the back of the execution.

On motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled.

ORDERS OF BUSINESS.

On motion of Mr. Walpole, the orders of business were suspended for the purpose of taking up the "bill for relief," pending when the Senate adjourned.

The question recurring on the amendment proposed by Mr. Pitcher

Mr. Walpole moved to lay the same on the table ;

Which motion prevailed.

Mr. Bright moved to amend by striking out the word "township," in the 2nd section and insert in lieu thereof the word "county ;"

Which did not prevail.

Mr. Collins moved to amend by inserting in the proper place the following:

"Or in favor of executors, administrators, guardians or other trustees;"

Which motion did not prevail.

Mr. Bright moved to amend as follows:

Amend the 9th section by adding as follows:

That the sheriff or other officer having such execution, order, or decree of sale, shall be entitled to choose (if issued from the office of the clerk of the circuit or probate courts) the sum of 50 cents each for summoning said appraisers, and 12½ cents per 100 words for drawing up such appraisement; and if on process issued from a justice of the peace, or mayor of a city, the sum of 25 cents each for summoning such appraisers, and the sum of 12½ cents per 100 words for drawing up said appraisement; which fees shall be taxed up and calculated as other costs are.

Mr. Walpole moved to lay the proposed amendment on the table.

The ayes and noes were demanded by Messrs. Gregory and Bright.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Burke, Carr of J., Carr of L., Chamberlain, Collins, Davis, Dobson, Eggleston, Everts, Harris, Hatfield, Herriman, Herriott, Hoover of W., Nave, Nickel, Parks, Sands, Shanks, Stevenson, Tannehill, Walpole, and West—28

Those who voted in the negative were,

Messrs. Blair, Bright, Carnan, Cornett, Elliott, Gregory, Hoover of T., Miller, Morgan, Mount, Parker, Pitcher, Read, Reeve, Roberts, Sheets, Sinclear, Watts, and Wright—19.

So the motion to lay on the table prevailed.

Mr. Carr of L. moved to amend as follows:

That the several officers shall make one offer to sell with as little delay as possible after receiving the execution;

Which motion prevailed.

Mr. Parker moved to amend as follows: strike out last section and insert the following:

"This act shall be in force in each county in this State from and after a certified copy of the same shall be filed in the proper clerk's office, and it shall be the duty of the Secretary of State immediately [to] transmit to each clerk of the several circuit courts certified copies of this act, and whether such certified copy shall be filed as aforesaid or not, this act shall be in force in every county throughout

the State on the tenth day subsequent to its approval by the Governor."

Which was adopted.

The question then being, will the Senate concur in the report of the committee as amended,

It was decided in the affirmative.

On motion of Mr. Walpole,

The rules were suspended and the bill read a third time.

Mr. Parker moved to recommit the bill to a select committee with instructions to strike the bill out from the enacting clause and substitute provisions requiring that no personal property shall be sold on execution unless it will bring one-half its appraised value, as is now the law in reference to real estate. Also, to provide that there shall be a double stay when specie is demanded on judgments, or current bank paper is refused.

Mr. Harris moved to lay the motion and proposed instructions on the table.

Which motion prevailed.

The question then being, shall the bill pass?

The ayes and noes were demanded by Messrs. Walpole and Parker,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Everts, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Nave, Nickel, Parks, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, Watts and West—28.

Those who voted in the negative were,

Messrs. Baird, Blair, Bright, Carnan, Collins, Cornett, Eggleston, Elliott, Herriman, Miller, Morgan, Mount, Parker, Pitcher, Read, Reeve, Roberts, Sheets and Wright—19.

So the bill was passed.

On motion of Mr. Nave,

The orders of business were further dispensed with, and leave granted him to introduce the following resolution:

Resolved, That the House of Representatives be requested to return a bill that passed the Senate on the third of this instant, entitled, a bill to provide for selecting petit jurors in Hendricks county, and for other purposes,

Which was adopted.

A bill fixing the fees of printers, pending on adjournment of yesterday, was taken up and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Harris,
Bill No. 74, to amend an act entitled an act regulating the jurisdic-

tion and duties of justices of the peace, approved February 17, 1838, and the amendments pending, were taken up.

The question recurring on the amendment to the amendment, as proposed by Mr. Elliott,

It was decided in the negative.

The question then being on the amendment of Mr. Pitcher,

The ayes and noes were demanded by Messrs. Gregory and Morgan:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Blair, Bradley, Elliott, Harris, Mount, Nave, Parker, Pitcher, Reeve, Shanks and Wright—13.

Those who voted in the negative were,

Messrs. Baird, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Dobson, Eggleston, Everts, Gregory, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Nickel, Parks, Read, Roberts, Sheets, Sinclear, Stevenson, Tannehill, Walpole, Watts and West—30.

So the amendment did not prevail.

The bill was then ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Dobson,

The bill to incorporate the White Water Valley Canal Company, was taken up, and

On motion of Mr. Parker,

Referred to the committee on corporations.

BILLS ON THEIR THIRD READING.

Bill No. 48, for the relief of Samuel D. Gresham, collector of Carroll county;

Read a third time and passed.

Bill No. 63, for the relief of Samuel Snoddy;

Read a third time and passed.

Bill No. 68, to amend an act entitled "an act pointing out the mode of levying taxes, approved Feb. 12, 1841;"

Read a third time, when, the question being put, shall the bill pass?

The ayes and noes were demanded by Messrs. Elliott and Harris:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Burke, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Davis, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Nickel, Parks, Roberts, Sinclear, Stevenson, Tannehill, Walpole Watts and West—26.

Those who voted in the negative were,

Messrs. Blair, Bradley, Bright, Carr of Jackson, Dobson, Eggleston, Elliott, Miller, Morgan, Mount, Nave, Parker, Reeve, Shanks, Sheets and Wright—16.

So the bill was passed.

Bill No. 69, reorganizing the several judicial circuits in the State of Indiana;

Read a third time, and,

On motion of Mr. Dobson,

Was laid on the table.

Bill No. 70, authorizing the State Treasurer to collect and pay over to the counties of De Kalb, Wells and Lake, that portion of the surplus revenue to which the same are entitled;

Read a third time and passed.

Bill No. 72, for the relief of the heirs of Robert Blair, deceased;

Read a third time and passed.

Bill No. 77, to amend an act entitled an act for the regulation of the State Prison, approved February 3, 1841;

Read a third time, when,

On motion of Mr. Read,

The bill was amended by inserting the 7th, as an additional section to said bill, by unanimous consent.

Mr. Cornett moved to recommit the bill to the committee on the State Prison, with the following instructions:

"Amend so as to require said agent so appointed by the Governor to examine the points on the Ohio river, with the view to the erection thereon a new State's Prison, as well as the vicinity of Jeffersonville, to-wit: the vicinity of Madison, New Albany and Evansville, and make full and ample report as to the relative advantages and disadvantages of each of said localities, with a special reference to the health of the site as well as to cost, business facilities, and cheapness of materials for building; and that said agent shall not be allowed for his services an amount to exceed three dollars per day, including all expenses, for the time he may be engaged in making said examinations and report."

Mr. Herriman moved to lay the motion and instructions on the table.

Which did not prevail.

Mr. Chamberlain moved to add the following as additional instructions:

"And also inquire into the expediency of the erection of an additional penitentiary in any other part of the State.

A division of the question being called for, the question was taken on recommitting, and decided in the negative.

The question was then put, shall the bill pass?

It was decided in the affirmative.

Bill No. 82 of the House of Representatives, in relation to licensing taverns and groceries;

MR. PRESIDENT:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled, to-wit:

No. 9, an act to incorporate the first Presbyterian church of Logansport;

No. 25, an act to repeal an act entitled an act to incorporate the town of Princeton;

No. 26, an act to incorporate the Greenville band of musicians;

No. 33, an act to amend an act entitled an act for the promotion of schools and education in Clark's grant, approved February 15, 1838;

No. 35, an act for the relief of Charles Purcell, late collector of Posey county;

No. 40, an act for the relief of Nancy Close, wife of Samuel Close, deceased;

No. 41, a joint resolution providing for distributing the acts of Congress deposited in the office of Secretary of State;

No. 45, an act to change a certain state road in Monroe county;

No. 49, an act to regulate the jurisdiction of justices of the peace in the county of Dubois.

Mr. Pitcher, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have this day presented to the Governor, for his approval and signature, the following bills which originated in the Senate, to-wit:

No. 16, an act to amend an act incorporating the town of Greensburgh, approved February 4, 1837;

No. 39, an act for the relief of the heirs and administrator of the estate of Cornelius A. Dumaree, deceased;

No. 45, an act to provide for the distribution of the laws of Congress to the several counties in this State;

No. 49, an act to declare a county road therein named a state road;

No. 51, an act declaring a certain name a misprint;

No. 57, an act to repeal an act entitled an act to amend an act entitled an act incorporating a seminary in the county of Gibson and for other purposes, approved February 13, 1841;

No. 52, an act declaring a certain road therein named a public highway.

Mr. Morgan presented the petition of James B. Foley and others, citizens of Decatur county, praying for relief;

Which, on his motion, was referred to a select committee.

Ordered, That Messrs. Morgan, Watts and Cornett compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Blair made the following report:

MR. PRESIDENT:

The committee on military affairs, to which was referred a bill of the House No. 39, to amend an act to incorporate the Orange Guards, have had the subject under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

The bill was ordered to be engrossed for a third reading.

REPORTS FROM SELECT COMMITTEES.

Mr. Berry made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John Mathers and Samuel Mathers, praying for certain relief therein named, have had the subject matter referred to under their consideration, and have given me leave to report the following bill:

Bill No. 109, for the relief of John and Samuel Mathers;

Read a first time and ordered to a second reading.

Mr. Wright made the following report:

MR. PRESIDENT:

The select committee to which was referred a resolution inquiring into the expediency of relocating certain portions of the Michigan road, have had the same under consideration and directed me to report the following bill and recommend its passage:

Bill No. 110, to relocate certain portions of the Michigan road;

Read a first time and ordered to a second reading on to-morrow.

Mr. Watts made the following report:

MR. PRESIDENT:

The select committee to which was referred a resolution on the subject of seminary lands in Gibson and Monroe counties, have had the same under consideration and have directed me to report the following bill and recommend its passage:

Bill No. 111, for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties;

Read a first time and ordered to a second reading.

RESOLUTIONS.

On motion of Mr. Elliott,

Resolved, That the committee on federal relations be instructed to inquire why it is that the thirteenth article proposed by the second session of the eleventh Congress, as an amendment to the Constitution of the United States, was incorporated in the last revision of the laws of Indiana as being a part of said Constitution; and if on such inquiry, it shall be ascertained that [that] article has never been ratified by three-fourths of the several States, then to report a joint resolution ratifying the same on the part of this State.

Mr. Carnan offered the following preamble and resolution:

Whereas, In times of great embarrassment, like the present, it behooves the people of this State to economize, and to make and raise within themselves as many of the necessities of life as possible, thereby keeping within the State an immense amount of money annually sent abroad for the purchase of such commodities; and whereas, the Legislature has no power to pass such laws without the consent of Congress, therefore,

Resolved, That the committee on agriculture be instructed to report a memorial and joint resolutions to our Senators and Representatives in Congress, requesting them to use their influence in obtaining the passage of a law granting to the Legislature of this State the privilege of passing laws for the encouragement and protection of our home industry.

Mr. Read moved to amend as follows:

Resolved, That each member of the Senate, including Mr. President, be requested to appear at the next session of the Legislature clothed in home-made jeans.

Which motion prevailed.

On motion of Mr. Stevenson,

The same was struck out from the resolving clause and the following substituted in lieu thereof:

That we will encourage, both by precept and example, the wearing of domestic manufactures, and that we earnestly request the Legislature of 1842-'3 to wear during said session domestic manufactures alone.

The resolution as amended was adopted.

On motion of Mr. Wright,

The following preamble and resolution were adopted:

Whereas, The State of Indiana is at great expense in transporting criminals from the northern portion of our State to the present state prison; and whereas, the wooden locks and culverts upon the Wabash and Erie canal will in a few [years] have to be rebuilt with stone at great expense to the State of Indiana; and whereas, a great saving of the expenditures of the State might be made by securing the labor of our convicts; therefore,

Resolved, That a select committee be appointed to enquire into the expediency of locating a state prison at Lagro, on the Wabash and Erie canal, in Wabash county.

On motion of Mr. West,

Resolved, That the quarter-master general be requested to furnish the Senate with a particular account of the whole amount of public armament received from the United States, and if any part have been distributed to the State; upon what conditions; and where the same now are; also the condition of those in the public armory; the number; and whether in his opinion they are properly taken care of.

On motion of Mr. Bright,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of so amending an act establishing a State Bank, approved January 28, 1834, as to provide for limiting the term of service of each president, cashier, teller, clerk or director of each and every branch of said bank to three years, or a less period of time.

On motion of Mr. Dobson,

Resolved, That the fund commissioner be requested to inform the Senate what amount the State will probably lose by the failure of McAllister & Stebbins. State particularly all the transactions that you have had with said company, and whether either or both of them have been connected in business in the last two or three years with M. B. Sherwood.

Mr. Collins offered the following:

Resolved, That the investigating committee be authorised to have such printing done as may in their opinion be necessary to an early preparation of their report, and if they order the printing of the testimony as it is taken, that they order the number of copies for the use of the Senate.

On motion of Mr. Collins,

The blank was filled with 500, and the resolution adopted.

Mr. Eggleston moved to suspend the order of business for the purpose of taking from the table the resolution from the House fixing the 31st instant as the time for adjournment.

The question being, Shall the order of business be suspended,

The ayes and noes were demanded by Messrs. Dobson and Morgan.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Davis, Eggleston, Elliott, Everts, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, Watts and Wright—40.

Those who voted in the negative were,

Messrs. Dobson, Harris, Herriman, Miller, Morgan and Reeve—6. So the resolution was taken up.

The question being on the amendment to the amendment proposed by Mr. Sheets and pending on adjournment, it was not adopted.

The question then recurring on the amendment proposed by Mr. Dobson, to change the time to the first Monday in February, it was decided in the negative.

The resolution was then adopted without amendment.

On motion of Mr. Carnan,

Resolved, That the committee on public buildings inquire into the expediency of so amending the law designating the room in which the supreme court shall hold its sessions, as to place said room under the control of the sheriff of said court.

INTRODUCTION OF JOINT RESOLUTIONS.

Mr. Aker introduced

Joint resolution No. 112, authorising the distribution of the revised laws of 1838 to Randolph county ;

Read a first time and ordered to a second reading.

Mr. Cornett introduced

Joint resolution No. 113, in relation to Indiana University ;

Read a first time and ordered to a second reading.

INTRODUCTION OF BILLS.

Mr. Gregory introduced

Bill No. 114, reorganising the first judicial circuit and fixing the time of holding courts therein and for other purposes.

Mr. West introduced

Bill No. 115, to prevent usurious practices.

Mr. Parker introduced

Bill No. 116, concerning criminal practice.

Mr. Pitcher introduced

Bill No. 117, for the more effectual suppression of extortion.

Mr. Nickel introduced

Bill No. 118, to change the name of Austin Bush.

Mr. Bright introduced

Bill No. 119, to amend an act allowing and regulating the writ of "*ad quod damnum*," approved December 20, 1823.

Mr. Harris introduced

Bill No. 120, to amend the several acts in relation to the surplus revenue.

Mr. Wright introduced

Bill No. 121, to prevent usury.

Mr. Roberts introduced

Bill No. 122, to revise and relocate so much of the state road from Fredonia to the mouth of the Wabash as lies in Warrick county.

All of which were severally read a first time and passed to a second reading on to-morrow.

Mr. Angle moved to reconsider the vote taken on

Bill No. 83, to repeal the State Board of Equalization.

Mr. Cornett moved a call of the Senate ;

Which motion prevailed.

On motion of Mr. Herriman,

A further call of the Senate was dispensed with.

The question recurring on Mr. Angle's motion to reconsider the vote on bill No. 83,

The ayes and noes were demanded by Messrs. Walpole and Herriman.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Eggleston, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks Read, Roberts, Shanks, Sinclear, Stevenson and Walpole—23.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Tannehill, Watts and Wright—22.

So the motion to reconsider prevailed.

Mr. Gregory moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Harris and Gregory.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Cornett, Elliott, Gregory, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nave, Parker, Pitcher, Reeve, Stevenson, Tannehill, Watts and Wright—19.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Everts, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Morgan, Nickel, Parks, Read, Roberts, Shanks, Sinclear and Walpole—26.

So the motion to adjourn did not prevail.

The question then being, Shall the bill pass ?

The ayes and noes were demanded by Messrs. Herriman and Shanks.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Dobson, Eggleston, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Stevenson, Walpole and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Tannehill and Watts—21.

So the bill passed.

On motion,
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Baird,

Mr. Elliott took the chair.

Mr. Wright moved to suspend the orders of business and grant him leave to move a reconsideration on the vote taken on the bill to repeal the Board of Equalization;

Which motion to suspend prevailed.

The question then being on the reconsideration,

Mr. Davis moved a call of the Senate;

Which motion prevailed.

Mr. Morgan moved to dispense with the further call; when

Messrs. Herriman and Harris called for the ayes and noes on dispensing with the same.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Cornett, Elliott, Everts, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Nave, Parker, Pitcher, Reeve and Sheets—17.

Those who voted in the negative were,

Messrs. Angle, Berry, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Davis, Dobson, Eggleston, Gregory, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Shanks, Sinclear, Stevenson, Tannehill, Walpole, Watts and Wright—26.

So the motion to dispense with the further call did not prevail.

On motion of Mr. Collins,

The absentees were sent for.

Mr. Collins moved that the further call of the Senate be suspended;

Which prevailed; when,

On motion of Mr. Collins,

The motion of Mr. Wright to reconsider the vote on the bill to repeal the Board of Equalization, was laid on the table.

On motion of Mr. Walpole,

Bill No. 69, reorganising the judicial circuits of this State, was taken from the table.

Mr. Parks moved to commit the bill with the following instructions, viz:

“Morgan county to be taken from the fifth judicial circuit and attached to the tenth.”

Mr. Watts moved the following as additional instructions:

“To equalise the circuits by apportioning the time the several judges will have to be on the bench, and also the importance and magnitude of the business to be litigated; and also the expediency of giving the county of Dearborn an additional term for transacting chancery business.”

Mr. Cornett moved further to instruct by directing an inquiry into the expediency of giving Ripley county an additional week at each term.

Mr. Dobson moved to lay the bill and proposed instructions on the table;

Which motion did not prevail.

The question then being taken on the adoption of Mr. Cornett's instructions, it was decided in the negative.

The question then recurring on the instructions of Mr. Watts,

Mr. Carr of Jackson called for a division of the question.

The question being, Shall the bill be committed, it was decided in the negative.

The question then recurring on the passage of the bill,

The ayes and noes were demanded by Messrs. Dobson and Gregory.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bradley, Bright, Burke, Carr of Jackson, Chamberlain, Collins, Davis, Everts, Gregory, Harris, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Nickel, Parker, Read, Sinclear, Tannehill, Walpole and Wright—24.

Those who voted in the negative were,

Messrs. Berry, Blair, Carr of Lawrence, Carnan, Cornett, Dobson, Eggleston, Elliott, Hatfield, Herriman, Miller, Morgan, Mount, Nave, Parks, Pitcher, Reeve, Shanks, Sheets, Stevenson, Watts and West—22.

So the bill passed.

BILLS ON THEIR THIRD READING.

Bill No. 74, of the House, to legalise the marriage of William Gappen and Malinda G. Moore;

Read a third time and passed.

Bill No. 85—to legalize the election and official acts of the probate judge of Fulton county;

Bill No. 86—to extend the time of holding probate courts in the counties of Jefferson and Washington;

Bill No. 94—to legalize the election and official acts of the probate judge of the county of St. Joseph, Indiana;

All of which were severally read a third time and passed.

Bill No. 99—to fix the fees of sheriffs in certain cases therein mentioned;

Read a third time.

Mr. Parks moved to lay the same on the table;

Which motion did not prevail, and the bill passed.

Bill No. 74—of the Senate, to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838;

Read a third time; and,

On motion of Mr. Morgan,
Was laid on the table.

Bills on their second reading—

Mr. Herriman moved to suspend the orders of business and grant him leave to move a reconsideration of the vote taken on the passage of the bill repealing the board of equalization.

Which motion to suspend prevailed.

On motion of Mr. Collins,
A call of the Senate was ordered.

Mr. Morgan moved to dispense with the further call of the Senate;
Which motion prevailed.

The question being on reconsidering the aforesaid vote,

Mr. Herriman withdrew his motion, when

Mr. Wright renewed the same.

Mr. Miller moved a call of the Senate;

Which motion did not prevail.

The question then recurring on the reconsideration,

The ayes and noes were ordered by Messrs. Chamberlain and Herriman:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Morgan, Mount, Nave, Parker, Pitcher, Reeve, Tannehill, Watts, and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Berry, Carr of J., Carr of L., Chamberlain, Collins, Davis, Dobson, Eggleston, Harris, Hatfield, Herriman, Kinzer, Mil-

ler, Nickel, Parks, Read, Shanks, Sinclear, Stevenson, Walpole, and West—22.

So the motion to reconsider did not prevail.

On motion of Mr. Bright,

The orders of business were suspended, and leave granted him to introduce the following bill:

Bill No. 123—giving further time to assessors;

Was read three several times (the rules having been dispensed with for that purpose) and passed.

Bill No. 100 for the relief John W. Hitt and others;

Read a third time and passed.

Bill No. 10 of the House, to repeal part of the 18th section of "an act pointing out the mode of levying taxes," approved February 12, 1841;

Read a second time and,

On motion of Mr. Chamberlain, referred to the judiciary committee.

Joint resolution No. 14, of the House, relative to Blackford's reports in Lagrange and Hancock counties;

Read a second time and ordered to a third reading.

Bill No. 69, of the House, regulating the duties of clerks of the circuit courts and county auditors;

Read a second time and referred,

On motion of Mr. Wright, to the committee on the judiciary.

Joint resolution of the House, No. 72, respecting fugitives from justice;

Read a second time and referred,

On motion of Mr. Baird, to the committee on federal relations.

Bill No. 75, of the House, to amend an act entitled "an act authorizing aliens and foreigners to hold real estate within the State of Indiana, approved January 14, 1818;

Read a second time and referred,

On motion of Mr. Baird, to the committee on the judiciary.

Bill No. 78, of the House, supplemental to the act for the selection, rating, &c., of the Wabash and Erie canal lands;

Read a second time and referred,

On motion of Mr. Baird, to the committee on canals and internal improvements.

Bill No. 81, to provide for the election of a justice of the peace in the town of Jonesborough in Greene county;

Read a second time and passed to a third reading.

Bill No. 86, to amend an act regulating the jurisdiction and duties of justices of the peace;

Read a second time and referred,

On motion of Mr. Wright, to the committee on the judiciary.

Bill No. 88, of the House, to incorporate the Muncietown and Fort Wayne Railroad Company;

Read a second time, and

On motion of Mr. Wright, was referred to the committee on corporations.

Joint resolution No. 90, of the House, to sell the six chain reservation ;

Read a second time and referred,

On motion of Baird, to the committee on canals and internal improvements ;

Bill No. 91, of the House, to amend an act entitled "an act to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of the Tippecanoe river, approved February 15, 1841 ;

Read a second time and referred

On motion of Mr. Morgan, to the committee on finance.

Bill No. 92, of the House, to vacate part of the town of Wilmington in Clinton county ;

Read a second time and passed to a third reading.

Bill No. 93, of the House to fix the time of holding the Marion circuit court ;

Read a second time and referred,

On motion of Mr. Nave, to a select committee.

Ordered, that Messrs. Nave, Walpole and West compose said committee.

Bill No. 95, of the House, to exempt from taxation one hundred dollars worth of personal property ;

Read a second time and referred,

On motion of Mr. Morgan, to the committee on finance.

Bill No. 98, of the House, to authorize Nathan Kirk to build a bridge on the Michigan road ;

Read a second time and referred,

On motion of Mr. Dobson, to the committee on roads.

Bill No. 101, of the House, to locate a state road ;

Read a second time, when

On motion of Mr. Tannehill,

The rules were suspended, the bill read a third time and passed.

Bill No. 104, of the House, to locate a state road in Hancock and Hamilton counties.

Bill No. 107, of the House, to provide for the election of a justice of the peace in Shelbyville, Hamilton county.

Bill No. 108, of the House to vacate the town of Benton in Hancock county.

Bill No. 110, of the House, for the relief of the owners of certain lots in Indianapolis.

All of which were severally read a second time and ordered to be engrossed for a third reading.

Bill No. 101, of the Senate, to provide for printing that part of the Constitution of the United States and of the State of Indiana, and the several acts now in force relating to elections ;

Read a second time.

The question being on its engrossment,

The ayes and noes were demanded by Messrs. Gregory and Bradley :

Those who voted in the affirmative were,

Messrs. Aker, Bright, Burke, Carr of J., Carnan, Chamberlain, Collins, Dobson, Elliott, Everts, Gregory, Harris, Parker, Sinclear, Walpole, West and Wright.—17.

Those who voted in the negative were,

Messrs. Angle Baird, Berry, Blair, Bradley, Carr of L., Cornett, Davis, Eggleston, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Morgan, Mount, Nave, Nickel, Parks, Pitcher, Read, Reeve, Shanks, Sheets, Stevenson, and Tannehill.—28.

So the question to engross failed.

Mr. Sheets moved that the Senate now adjourn ;

Which motion did not prevail.

Bill No. 102, to amend an act for the relief of the poor, approved February 17, 1838 ;

Read a second time and referred,

On motion of Mr. Wright to the committee on the judiciary.

Bill No. 103, supplemental to an act entitled "an act regulating the practice in suits at law," approved January 29, 1831 ;

Read a second time, and

On motion of Mr. Collins, was amended as follows :

And the bond in case of appeal shall be executed with a condition, that the obligors shall be liable for *mesne profits*, as in this section prescribed.

The bill as amended was ordered to be engrossed for a third reading on to-morrow.

Bill No. 104, to authorize agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State ;

Read a second time and referred, on motion of Mr. Stevenson, to the committee on the judiciary.

Bill No. 104, to amend an act entitled "an act pointing out the mode of levying taxes, approved February 12, 1841 ;

Read a second time and

On motion of Mr. Hoover of T.,

Amended as follows :

SECTION. Be it further enacted, &c., that the 12th section of the above recited act be, and the same is so amended, as to authorize the assessors to administer all oaths and affirmations required by said act to carry the same into effect.

The bill as amended was ordered to be engrossed for a third reading.

Bill No. 105, to amend an act entitled "an act for the preservation of sheep, approved January 15, 1841 ;

Read a second time and passed to a third reading.

Bill No. 107, to close the system of internal improvements and to abolish all the officers and agents connected therewith ;

Read a second time.

Mr. Parker moved to refer said bill to the committee on canals and internal improvements.

Mr. Carnan moved to instruct said committee to incorporate within the provisions of said bill the New Albany and Vincennes turnpike road.

Mr. Harris called for a division of the question.

The question then being upon referring to said committee it was decided in the affirmative.

The question recurring on the instructions of Mr. Carnan, it was decided in the negative, and the committee were not instructed.

On motion of Mr. Collins,

100 copies of said bill were ordered to be printed.

Bill 166, of the House, to amend an act entitled "an act amendatory to the charter of Michigan city," approved February 15, 1841;

Read a second time and referred,

On motion of Mr. Herriman, to the committee on corporations.

Bill No. 108—to amend an act entitled "an act more effectually to secure the purity of elections, app. Feb. 15, 1841;

Read a second time, and

On motion of Mr. Herriman,

Referred to the judiciary committee.

Bill No. 109—for the relief of the inhabitants of school district therein named, in Orange county;

Read a second time, and

On motion of Mr. Herriman,

Referred to the judiciary committee.

Bill No. 115—of the House, relative to the distribution of arms;

Read a second time, when

On motion of Mr. Berry,

It was referred to the committee on military affairs.

Mr. Read moved to reconsider the vote taken on the engrossment of bill No. 101, in relation to authorizing the printing of certain parts of the constitution therein named;

Which motion did not prevail.

Bill No. 176—of the House, to abolish imprisonment for debt;

Read a second time, when

Mr. Parks moved to lay said bill on the table,

On which motion the ayes and noes were demanded by Messrs. West and Walpole;

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bright, Burke, Carr of L., Carnan, Collins, Cornett, Elliott, Hoover of W., Mount, Parker, Parks, Reeve, and Wright—15.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Carr of L., Carnan, Cham-

berlain, Davis, Dobson, Eggleston, Everts, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Miller, Morgan, Nave, Nickel, Pitcher, Read, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, and West—29.

So the motion to lay on the table did not prevail.

Mr. Baird moved to commit said bill to the judiciary committee;

Which motion did not prevail.

Mr. Angle moved to amend as follows:

"And that all jails be demolished in the State of Indiana;"

On motion of Mr. Harris,

Said amendment was laid on the table.

Mr. Cornett moved that the Senate now adjourn;

Which motion did not prevail.

Mr. Nave moved to suspend the order of business for the purpose of reading the bill pending a third time now;

Which motion did not prevail.

The question then being,

Shall the bill pass to a third reading?

The ayes and noes were demanded by Messrs. Baird and Everts:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bradley, Berry, Bright, Carr of Jackson, Chamberlain, Collins, Davis, Dobson, Everts, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Miller, Nave, Nickel, Read, Reeve, Shanks, Sheets, Sinclear, Stevenson, Tannehill Walpole and West—28.

Those who voted in the negative were,

Messrs. Angle, Blair, Burke, Carr of Lawrence, Carnan, Cornett, Eggleston, Elliott, Herriott, Hoover of Wayne, Morgan, Mount, Parker, Parks, Pitcher and Wright—16.

So the bill was ordered to a third reading.

The following message was received from the House of Representatives by Mr. Brown, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bill of the House No. 25, entitled a bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have com-

pared the following enrolled with the engrossed bills of the House of Representatives, to wit :

- No. 63, an act for the relief of Samuel Snoddy ;
- No. 82, an act in relation to licensing taverns and groceries ;
- And have found the same correctly enrolled.

The following message was received from his Excellency the Governor by Mr. Kiersted, his private secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved and signed

No. 16, an act to amend an act incorporating the town of Greensburgh, approved February 4, 1837 ;

No. 52, an act declaring a certain road therein named a public highway ;

No. 57, an act to repeal an act entitled an act to amend an act entitled an act incorporating a seminary in the county of Gibson, and for other purposes, approved February 13, 1841 ;

No. 39, an act for the relief of the heirs and administrator of the estate of Cornelius A. Dumarree, deceased ;

No. 51, an act declaring a certain name a misprint ;

No. 45, an act to provide for the distribution of the laws of Congress to the several counties in this State ;

No. 49, an act to declare a county road therein named a state road. All of which originated in the Senate.

On motion,

The Senate adjourned.

FRIDAY, JAN. 7, 1842.

The Senate assembled.

The President laid before the Senate the following communication from the President of the State Bank :

To the Senate :

In answer to a resolution of the 4th instant, requesting the President of the State Bank to report to the Senate whether the interest on the bonds of the State sold in 1834, '35, '36, for bank stock, has heretofore been regularly paid, &c., I have the honor to state that said interest has been regularly paid, semi-annually, from the time of making

the loans up to and including the interest due the 1st of January, 1842.

I am, &c.,

S. MERRILL.

State Bank, January 5, 1842.

On motion of Mr. Collins,

Said communication was laid on the table.

The following message was received from the House of Representatives by Mr. Brown, their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has concurred in amendment of the Senate to bill of the House No. 38, entitled

An act to amend an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved February 1, 1834.

The House has reciprocated the resolution of the Senate, "requesting the House to return a bill that passed the Senate on the 3d instant, entitled a bill to provide for selecting petit jurors in Hendricks county, and for other purposes.

The Speaker of the House has also signed the following enrolled bills thereof, to-wit :

No. 9, an act to incorporate the first Presbyterian church of Logansport ;

No. 26, an act to incorporate the Greenville band of musicians ;

No. 25, an act to repeal an act entitled an act to incorporate the town of Princeton ;

No. 33, an act to amend an act entitled an act for the promotion of schools and education in Clark's Grant, approved February 15, 1838 ;

No. 35, an act for the relief of Charles Purcell, late collector of Posey county ;

No. 40, an act for the relief of Nancy Close, wife of Samuel Close, deceased ;

No. 41, a joint resolution to provide for distributing the acts of Congress deposited in the office of the Secretary of State ;

No. 45, an act to change a certain state road in Monroe county ;

No. 49, an act to regulate the jurisdiction of justices of the peace in the county of Dubois ;

No. 63, an act for the relief of Samuel Snoddy of Monroe county ;

No. 82, an act in relation to granting license in the county of Marion.

Which several bills and joint resolution I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

MR. PRESIDENT :

I am directed by the House further to inform the Senate that the House has passed an engrossed bill thereof as follows :

No. 44, an act for the relief of the borrowers of the surplus revenue fund, sinking fund and other funds, and for the better securing of the payment thereof ;

In which the concurrence of the Senate is most respectfully requested.

Bill No. 44, of the House, in said message ;
Read a first time and passed to a second reading.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Read presented the petition of sundry citizens of Clark county, praying the establishment of a bank district to be composed of the counties of Washington, Clark, Jackson and Scott ;

Which, on his motion, was referred to the committee on the State Bank.

Mr. Read presented the memorial of sundry citizens of Clark county, praying the repeal of the bankrupt law ;

Which, on his motion, was referred to the committee on federal relations.

Mr. Eggleston presented a memorial on the same subject ;

Which, on his motion, was referred to the same committee.

Mr. Nave presented a memorial on the same subject ;

Which, on motion, was referred to the same committee.

Mr. Herriman moved to instruct said committee to report a joint resolution in accordance with the prayer of the petitioners ;

Which motion did not prevail.

Mr. Hatfield presented the petition of A. Hoover and others, citizens of Fountain county, praying an act extending the time of payment for certain school lands therein named ;

Which, on his motion, was laid on the table.

Mr. Sinclear presented the petition of sundry citizens of the counties of Adams and Wells, praying that a portion of the statutes of this State may be printed in the German language ;

Which, on motion of Mr. Chamberlain, was referred to a select committee.

Ordered, That Messrs. Chamberlain, Sinclear, and Herriman, compose said committee.

Mr. Reeve presented the petitions of numerous citizens of Rush county, praying for relief ;

Which, on his motion, were referred to a select committee.

Ordered, That Messrs. Reeve, Pitcher, and Miller compose said committee.

Mr. Foster presented the petition of Joseph Bovell and others, praying for relief ;

Which, on his motion, was referred to the aforesaid select committee.

Mr. Nickel presented the petition of Stephen Major and others citizens of Shelby county, praying relief, &c. ;

Which, on his motion, was referred to the same committee, that a similar petition from Decatur county was referred, composed of Messrs. Morgan, Cornett, Watts, Nickel, and Eggleston.

Mr. Stevenson presented a petition from John S. Jennings, and sundry other citizens of Putnam county, praying for a change in the mode of doing county business in said county ;

Which, on his motion, was referred to a select committee.

Ordered, That Messrs. Stevenson, Bradley, and Roberts compose said committee.

Mr. Herriott presented a petition from Joseph Wayland and others, citizens of Johnson county, praying the vacation of certain out-lots in the town of Edinburgh, in said county ;

Which, on his motion, was referred to a select committee.

Ordered, That Messrs. Herriott, Sands, and Shanks compose said committee.

On motion of Mr. Pitcher,

The petition from the board of commissioners of Pike county, was taken from the table, and

On motion of Mr. Miller,

Referred to the committee on education.

Mr. Kinzer from the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads to whom was referred a resolution No. 19, of the Senate, inquiring into the expediency of supplying the respective counties with the road laws, in pamphlet form, have had the same under consideration and have directed me to report that, as retrenchment and reform is the order of the day, and inasmuch as it would take some three hundred dollars to supply the respective counties with the road law in pamphlet form, your committee have directed me to report it inexpedient to legislate on the subject, and request to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Read, from the committee on the State prison, made the following report :

MR. PRESIDENT :

The committee on the State Prison, to whom was referred the petition of sundry citizens of Jeffersonville and its vicinity, beg leave to make the following report :

That they have had said petition under their consideration, and have given to it that reflection and consideration which the impor-

tance of the subject, connected with the numerous and respectable petitioners, require. They agree with the petitioners, that working the convicts outside of the walls of the prison, is inconsistent with the object contemplated by the establishment of the penitentiary system, and contrary to the true intent and meaning of all former laws upon that subject. It is demoralizing in its tendency, particularly to the youth, who daily witness these spectacles of degradation, and listen to the stories of successful crime, or unjust punishment. It necessarily, too, on some occasions, places the laborer side by side at work with the convicts of your State prison. It facilitates escapes of the convicts, and few and very few there are, that will not accept of the first favorable opportunity, and when re-taken, have often to undergo, no doubt, cruel punishment.

Your committee might dwell longer upon this subject, they might speak more freely of the evils arising from the custom of suffering the convicts occasionally to mingle with the citizens, but as they have heretofore introduced a bill which has passed the Senate, embracing the prayer of the petitioners, they ask to be discharged from the further consideration of said petition at this time.

The report was concurred in and the committee discharged from the further consideration thereof.

REPORTS FROM SELECT COMMITTEES.

Mr. Herriman made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Isaac Spencer, have, according to order, had the same under consideration, and directed me to report the following bill:

Bill No. 124, authorising the recorder of Noble county to correct the records of said county, in a certain case therein named.

Read a first time, and ordered to a second reading.

Mr. Pitcher, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill amendatory of an act, entitled, an act providing for a more uniform mode of doing township business in the several counties therein mentioned, have according to order, had the same under consideration, and have instructed me to report it back to the Senate, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

INTRODUCTION OF BILLS.

Mr. Morgan introduced

Bill No. 125, giving the collector of Decatur county, for the year 1840, further time to collect the balance due said collector.

Mr. Bright introduced

Bill No. 126, entitled, "an act authorising aliens to hold real estate."

Mr. Gregory introduced

Bill No. 127, to vacate a part of the town of Crawfordsville.

Mr. Nave introduced

Bill No. 128, supplemental to an act entitled, "an act organising the supreme court, and defining its powers and duties," approved Feb. 17, 1838.

All of which were severally read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

BILLS ON THEIR THIRD READING.

Joint resolution No. 14, of the House, relative to Blackford's Reports, in Lagrange and Hancock counties;

Bill No. 81, of the House, to provide for the election of a justice of the peace in the town of Jonesborough, in Greene county;

Bill No. 92, of the House, to vacate part of the town of Wilmington, in Clinton county;

Bill No. 39, of the House, to amend an act incorporating the Orange guards;

Bill No. 104, of the House, to locate a State road in Hancock and Hamilton counties;

Bill No. 107, of the House, to provide for the election of a justice of the peace in Shielville, Hamilton county;

Bill No. 108, to vacate the town of Benton, in Hancock county;

Bill No. 110, for the relief of the owners of certain lots in Indianapolis;

All of which several bills were read a third time and passed.

Bill No. 176, of the House, to abolish imprisonment for debt, read a third time.

Mr. Chamberlain moved to commit the bill to a select committee, with instructions to strike out the third section from said bill.

Mr. Walpole called for a division of the question.

The question then being on committing said bill

The ayes and noes were demanded by Messrs. Harris and Walpole,

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Blair, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornett, Dobson, Elliott, Everts, Foster, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Morgan, Mount, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright.—37.

Those who voted in the negative were,

Messrs. Aker, Bradley, Eggleston, Gregory, Harris, Hatfield, Moffatt, Nave, Nickel, Sinclear and Walpole.—11.

So the motion to commit prevailed.

The question recurring on striking out the 3d section,

Mr. Wright moved to amend as follows :

With instructions to make such an amendment as to authorize the imprisonment of defendants who have money in their possession and refuse to pay the same over ; which fact shall be established by the affidavit of the plaintiff, his agent, or attorney, and of a disinterested person.

On motion of Mr. Harris

The aforesaid amendment to the amendment was laid on the table.

The question then being on the proposed instructions by Mr. Chamberlain, it was decided in the affirmative.

Mr. Collins moved to instruct the committee to strike out the bill from the enacting clause and insert the following in lieu thereof :

SECTION. That hereafter special bail shall not be required in any case until the plaintiff, his agent, or attorney, shall make and file with the officer or court, where such shall be commenced, an affidavit stating that the defendant or defendants, are about to leave the jurisdiction of the court, taking with him, or them, property which would be subject to execution, or other means by which said plaintiff or plaintiffs might make his or their debt, if the defendant or defendants should not depart the jurisdiction of the court ; and in such case the recognizance of special bail shall amount only to an undertaking that the defendant or defendants will surrender his or their bodies, or the property or right held at the time of making such affidavit, in payment of the debt and in default thereof, the security in the bail bond shall only be liable for the amount of property or means of payment, which the plaintiff may show the defendant or defendants, to have held at the time of making the affidavit aforesaid.

SECTION. That hereafter, no *capias ad satisfaciendum* shall be issued until the plaintiff shall have caused a notice to be served upon the defendant or defendants, to appear in the court where his judgment may be, to shew cause why a *capias ad satisfaciendum* shall not be issued against him or them, which notice if to appear before any court of record shall be served at least ten days before the time of making it ; and if before a justice of the peace at least three days before the time of making it, and two returns of "not found" shall be deemed equivalent to a service. And on the hearing of such matter the plaintiff shall file his complaint against the defendant or defendants, alleging matters of fraud or concealment of property which he charges against said defendant or defendants, and the defendant or defendants, shall answer thereto, and on such issue of fraud a jury may be empanelled at the instance of either party or the same may be submitted to the court, and if on such hearing the issue should be found against the defendant or defendants, the plaintiff shall be entitled to a *capias ad satisfaciendum*, to be regulated by the laws now in force, except so far

as the same may be changed by this act, and if said issue be found against the plaintiff no *ca. sa.* shall be issued and such plaintiff shall pay the costs of such issue.

SECTION. That hereafter when any person shall be in custody upon any civil process it shall be lawful for him to sue out a writ of *habeas corpus* and on return and hearing thereof it shall be competent for him to exhibit proof to the judge or judges, before whom the same may be returned that he has not been guilty of fraud or concealment of his property or means whereby the debt of the plaintiff or some part thereof might have been paid, and if upon such hearing such person shall satisfy such judge or judges, that he has not been guilty of such fraud or concealment it shall be the duty of such judge or judges, forthwith to order such to be discharged, and such order shall be available as a defence to any suit which may be instituted on the bail bond or against any officer for such persons escape.

SECTION. That in all cases where any defendant may be now in custody or under bond for the jail limits, he shall be at liberty to notify the plaintiff, his agent, or attorney, that he will on a certain day and time, before some justice or judge of the proper county, move to be discharged from the said custody and on said hearing unless the plaintiff shall satisfy said justice or judge that said defendant is guilty of fraud and concealment of his property, or means whereby said debt might be made, it shall be the duty of said judge or justice to make an order discharging said defendant from custody, and either party may have jury to try the issue as in the section of this act, and such order shall be available as a defence on any bond or against any officer for such discharge.

Mr. Harris moved to lay the instructions on the table ;

Which motion did not prevail.

On motion of Mr. Elliott

The instructions were so amended as to make them "imperative."

On motion, the Senate adjourned.

2 O'clock P. M.

The Senate assembled.

Mr. Dobson moved to reconsider the vote taken on recommitting the bill to abolish imprisonment for debt ;

Which motion prevailed, when

Mr. Dobson moved to lay the bill and pending amendments, on the table.

The ayes and noes were demanded by Messrs. Moffatt and Walpole :

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Bright, Burke, Carr of L., Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Hoover of T., Hoover of W.,

Miller, Morgan, Mount, Parker, Parks, Pitcher, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts.—27.

Those who voted in the negative were,

Messrs. Aker, Blair, Bradley, Carr of J., Chamberlain, Davis, Everts, Foster, Harris, Hatfield, Herriman, Kinzer, Moffatt, Nave, Nickel, Read, Reeve, Sinclear, Walpole and West.—20.

So the motion to lay on the table prevailed.

On motion of Mr. Chamberlain

The orders of business were suspended and leave granted him to report as follows :

MR. PRESIDENT :

The standing committee on corporations to whom was referred a bill to incorporate the White Water Valley Canal Company, have had that subject under consideration and have directed me to report the same back to the Senate and recommend its passage, with one amendment, to wit :

From the second line of the 24th section, strike out the words "two-thirds" and insert the words "a majority."

The report was concurred and the bill amended, on motion of Mr. Parker, as follows :

Add to the 4th section;

Provided further, That any contracts upon the White Water canal that may not be relinquished at the time the company hereby provided for, may be prepared to commence operations on the same, may be transferred, modified, or prosecuted to completion agreeably to the provisions of the contracts, as may be, by the contractors respectively and the company, agreed upon; said company being responsible to the contractors for all work hereafter done, the same as the State would have been had she resumed operations. But said company shall in no case be required to comply with any such existing contract, unless the contractor will take of the stock of said company to an amount equal to the one third part of the sum yet required to complete any such contract.

Mr. Watts moved to amend the amendment as follows:

"And that said company hereby guaranties the state against any damages from said contractors;

Which was accepted by Mr. Parker as a part of his amendment.

On motion of Mr. Elliott,

The rules were suspended and the bill read a third time, when

Mr. West moved to recommit the bill to the committee on canals and internal improvements, with the following instructions:

Strike out of the 2d section the 1st proviso and insert the following in lieu thereof:

Provided, That said company shall purchase the canal of the State

at the cost of the same, paying for said canal in bonds of the State at par: and that said payment shall be made before the cession or sale under this act shall be made to the company.

The question being on recommitting with the above instructions:

The ayes and noes were demanded by Messrs. West and Walpole:

Those who voted in the affirmative were,

Messrs. Bright, Carr of Lawrence, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Sands, Sinclear, Walpole and West—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Burke, Carr of Jackson, Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Harris, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright—35.

So the motion to recommit did not prevail.

The question being, Shall the bill as amended pass? it was decided in the affirmative.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled, to-wit :

No. 74, an act to legalise the marriage of William Gapen and Malinda G. Moore ;

No. 101, a bill to locate a state road.

The following message was received from the House of Representatives by Mr. Gorman, a member :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bill of the Senate, to-wit :

No. 22, an act to amend the act entitled an act to incorporate the Richmond Trading and Manufacturing Company.

Also, the following enrolled bills of the House:

No. 38, an act to amend an act entitled an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved February 1, 1834 ;

No. 25, an act supplemental to an act subjecting real and personal property to execution, approved February 4, 1831,

Which bills I am instructed to bring to the Senate for the signature of the President thereof.

Whereupon the President of the Senate signed said bills.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills and joint resolution of the House of Representatives, to-wit :

No. 9, an act to incorporate the first Presbyterian church of Logansport ;

No. 25, an act to repeal an act entitled an act to incorporate the town of Princeton ;

No. 26, an act to incorporate the Greenville band of musicians ;

No. 33, an act to amend an act entitled an act for the promotion of schools and education in Clark's grant, approved February 15, 1838 ;

No. 35, an act for the relief of Charles Purcell, late collector of Posey county ;

No. 40, an act for the relief of Nancy Close, wife of Samuel Close, deceased ;

No. 41, a joint resolution providing for distributing the acts of Congress deposited in the office of Secretary of State ;

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled bill of the Senate with the engrossed bill thereof, to-wit :

No. 22, an act to amend the act entitled an act to incorporate the Richmond Trading and Manufacturing company.

Also the following enrolled with the engrossed bills of the House of Representatives, to-wit :

No. 25, an act supplemental to an act subjecting real and personal property to execution, approved February 4, 1831 ;

No. 38, an act to amend an act entitled an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved February 1st, 1834 ;

And have found the same correctly enrolled.

No. 45, an act to change a certain state road in Monroe county ;

No. 49, an act to regulate the jurisdiction of justices of the peace in the county of Dubois ;

No. 63, an act for the relief of Samuel Snoddy of Monroe county ;

No. 82, an act in relation to granting license in the county of Marion.

Mr. Pitcher, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have this day presented to the Governor, for his approval and signature, the following bills, originating in the Senate, to-wit :

No. 22, an act to amend the act entitled an act to incorporate the Richmond Trading and Manufacturing Company.

And the following bills originating in the House of Representatives, to-wit :

No. 25, an act supplemental to an act subjecting real and personal property to execution, approved February 4, 1831 ;

No. 38, an act to amend an act entitled an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved February 1, 1834.

On motion,

The Senate adjourned.

SATURDAY, JAN. 8, 1842.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Gorman, a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House of Representatives have disagreed to the several amendments of the Senate to bill No. 42, a bill to abolish imprisonment for debt.

Mr. Elliott moved that the Senate insist upon their amendments.

On motion of Mr. Moffatt,

A call of the Senate was ordered.

On motion,

Messrs. Gregory, Herriott and Angle were granted leave of absence

On motion of Mr. Carnan,

A further call of the Senate was dispensed with.

Mr. Harris called for a division of the question.

The question then being, Will the Senate act upon the amendments separately? it was decided in the negative.

The question then recurring on the motion of Mr. Elliott to insist on the amendments of the Senate,

The ayes and noes were demanded by Messrs. Moffatt and Herri-

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bright, Burke, Carr of Lawrence, Carnan, Collins, Cornett, Eggleston, Elliott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Parks, Parker, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Berry, Bradley, Carr of Jackson, Chamberlain, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Moffatt, Nave, Nickel, Sinclear, Walpole and West—20.

So the motion to insist prevailed.

The following message was received from the House of Representatives by Mr. Brown, their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House of Representatives has passed an engrossed bill thereof as follows :

No. 140, an act for the relief of Hugh Stewart and Robert Stewart. In which the concurrence of the Senate is asked.

The bill was read a first time and ordered to a second reading on Monday next.

The following message was received from the House of Representatives by Mr. Brown, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, the following engrossed bills of the Senate, to-wit :

No. 25, an act to legalise the election of Mason Palmer, formerly justice of the peace, of Daviess county ;

No. 43, an act to amend an act relating to county seminaries, approved February 17, 1838 ;

No. 48, an act for the relief of Samuel D. Gresham, collector of Carroll county.

Also, the following bills of the Senate, with amendments :

No. 12, an act to amend an act to regulate the taking up of animals going astray and water craft and other articles of value adrift, approved February 15, 1841 ;

No. 29, an act for the relief of certain persons therein named.

In which amendments the concurrence of the Senate is respectfully requested.

The House has passed the following engrossed bills thereof, to-wit :

No. 87, an act supplemental to an act to authorise certain persons

therein named to erect a dam across the East Fork of White river in Lawrence county ;

No. 94, an act to incorporate the Wayne, Union and Randolph Turnpike Company, and the Union and Wayne Turnpike Company ;

No. 111, an act changing the mode of doing county business in the county of Clay ;

No. 112, an act to limit the jurisdiction of justices of the peace in Hendricks county ;

No. 114, an act extending the provisions of an act entitled an act for the relief of the settlers on the Wabash and Erie canal lands ;

No. 115, an act declaring the road from Winslow in Pike county to Boonville in Warrick county a state road ;

No. 116, an act supplemental to an act entitled an act to provide for the revision of the laws, approved February 4, 1841 ;

No. 117, an act to provide for the sale of lands belonging to minors ;

No. 118, an act to prevent the forfeiture of school lands and for other purposes ;

No. 120, an act to amend an act entitled an act to amend an act approved February 6, 1837, entitled an act to distribute so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved June 23, 1836, approved February 15, 1841 ;

No. 121, an act to repeal an act for the preservation of sheep, approved January 25, 1841 ;

No. 124, an act to incorporate the Wabash Bridge Company in the county of Huntington ;

No. 126, an act to incorporate the White River Manufacturing Company in Daviess and Knox counties ;

No. 127, an act to amend an act pointing out the mode of levying taxes, approved February 12, 1841 ;

No. 129, an act amendatory to an act regulating fees and salaries of the several officers and persons therein named, approved February 7, 1831 ;

No. 131, an act relative to water power at the town of Delphi, Carroll county ;

No. 132, an act to amend an act authorising the appointment of constables and defining their powers and duties ;

No. 137—an act to legalize the official acts of a probate judge in Wells county ;

No. 138—an act for the relief of the heirs and legal representatives of Martha Willson, deceased ;

No. 139—an act to legalize an election held in Jackson township, Putnam county ;

No. 152—an act for the relief of Huntington county.

Also, the following joint resolution of the House, to-wit :

No. 128—a joint resolution concerning the north-eastern boundary.

In which several bills and joint resolution, the concurrence of the Senate is respectfully requested.

The House has concurred in amendments of the Senate to bill of the House, as follows:

No. 74—an act to legalize the marriage of William Gapen and Malinda G. Moore.

The Speaker of the House has signed the following enrolled bills thereof, to-wit:

No. 74—an act to legalize the marriage of William Gapen and Malinda G. Moore;

No. 101—an act to locate a State road.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President of the Senate signed the same.

Bill No. 12, of the Senate, in said message, as amended by the House, was concurred in.

Bill No. 29, in said message, was taken up.

The question being on concurring in the amendment of the House to the first section of said bill,

Mr. Mount moved to amend the amendment, by striking out the word "and," between the words "assess" and "collect," and insert in lieu thereof, the word "or."

Which motion prevailed, and the amendment as amended was concurred in.

On motion of Mr. Parker,

The amendment of the House to the second section of said bill was concurred in.

Bills of the House, Nos. 97, 94, 111, 112, 114, 115, 116, 117, 118, 120, 121, 124, 126, and 127, in said message were severally read a first time, and passed to a second reading on Monday next.

The joint resolution, No. 128, in said message, was read a first time, when,

On motion of Mr. Herriman,

The rules were suspended, and the bill read a second time now.

Mr. Dobson moved to suspend the rules, and read the bill a third time now

The ayes and noes were ordered by Messrs. West and Herriman,

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Cornett, Davis, Dobson, Elliott, Everts, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, Watts, and West—34.

Those who voted in the negative were,

Messrs. Aker, Baird, Collins, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Sheets, and Wright—12.

So the rules were suspended, and the joint resolution read a third time, when

Mr. Eggleston moved to commit the joint resolution to a select committee, with the following instructions:

To remodel the same so as to embody the patriotic sentiments of the resolution, in firm and pointed but dignified language:

Mr. Herriman moved to lay the motion and instructions on the table;

The ayes and noes were demanded by Messrs. Chamberlain and Herriman:

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear, Tannehill, Walpole and West.—20.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Hoover of T., Hoover of W., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts, and Wright.—24.

So the motion did not prevail.

The question recurring on committing the joint resolution with the proposed instructions,

The ayes and noes were demanded by Messrs. Chamberlain and Herriman:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Hoover of T., Hoover of W., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and Wright.—27.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear, Walpole and West.—20.

So the motion to commit prevailed.

Ordered, that Messrs. Eggleston, Parker and Mount, compose said committee.

Bills of the *House* No. 129, 131, 132, 137, 138, 139 and 152, contained in said message, were severally read a first time and ordered to a second reading on *Monday* next.

PETITIONS.

Mr. Wright presented the petition of *William O. Ross*, to authorize executors and administrators to pay taxes which, on his motion, was referred to a select committee.

Ordered, that *Messrs. Wright, Harris and Gregory*, compose said committee.

Mr. Wright presented the petition of *Hugh Hanna*, praying an act requiring supervisors to give bond; which was referred, on his motion, to the committee on roads.

Mr. Nave presented the petition of *Ebenezer S. Watson* and others, of *Hendricks* and *Boone* counties, praying an act legalizing the sale of certain school lands therein named; which, on his motion, was referred to a select committee.

Ordered, that *Messrs. Nave, Everts and Watts*, compose said committee.

On motion of *Mr. Read*,

The rules were suspended, and leave granted him to report as follows:

MR. PRESIDENT :

The select committee to whom was referred the petition from citizens of *Kosciusko* and *Wabash* counties, with the remonstrance on said subject, have had the same under their consideration, and have given it that reflection which the subject required. They are well aware that the creation of a new county, formed out of the surplus territory of *Kosciusko* and *Wabash* counties, would be of great convenience to a large portion of the citizens residing in the contemplated new county, but upon examination of all the papers and other evidence, (verbal,) they find that as to numbers the petition and remonstrance are nearly equal, and that the petitioners from *Wabash* county have not complied with the act of last winter, which requires that in such cases notice should be given; your committee therefore ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged,

REPORTS FROM STANDING COMMITTEES.

Mr. Baird made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a bill of the Senate entitled a bill for the relief of *John Tate*, have had the same

under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Baird made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a bill of the House of Representatives entitled a bill supplemental to an act entitled "an act for prevention of frauds and perjuries, approved January 24, 1831, have had the same under consideration and directed me to report, that legislation on said subject is inexpedient and they recommend the indefinite postponement of the bill.

On motion of *Mr. Eggleston*,

The bill and report were recommitted to the committee on the judiciary.

Mr. Parker made the following report:

MR. PRESIDENT :

The standing committee on the judiciary, to whom was referred bill No. 91, of the Senate, it being "a bill for the appointment of a commissioner to make deeds, and for other purposes," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The bill was ordered to be engrossed for a third reading on Monday next.

Mr. Bright, made the following report:

MR. PRESIDENT :

The judiciary committee to whom was recommitted bill of the Senate No. 102, entitled a bill to amend an act for the relief of the poor, have instructed me to strike out the word 'repealed,' in the 14th line of the 1st section and insert in lieu thereof 'amended,' and with this alteration recommend the passage of the bill.

The report was concurred in and the bill as amended ordered to be engrossed for a third reading on Monday next.

Mr. Collins made the following report:

MR. PRESIDENT :

The committee on the judiciary to which was referred a bill to repeal a part of an act entitled an act to amend an act relating to crime and punishment, approved Feb. 10, 1831, approved February 3, 1841, have according to order had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.
Mr. Wright made the following report:

MR. PRESIDENT :

The standing committee on the judiciary to whom was referred bill No. 108, entitled, a bill to amend an act entitled an act more effectually to secure the purity of elections, approved February 15th, 1841, have had the same under consideration and directed me to report the same back without amendment and recommend its passage.

The bill was ordered to be engrossed for a third reading on Monday next.

Mr. Collins made the following report :

MR. PRESIDENT :

The judiciary committee to which was referred a bill of the Senate No. 84, entitled, a bill declaratory of the meaning of an act to prevent speculation by collectors in treasury notes and other moneys, have had the same under consideration and have directed me to report the same back to the Senate and to recommend that it be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Bright made the following report:

MR. PRESIDENT :

The judiciary committee to which was referred bill of the Senate No. 93, entitled, a bill to provide for the popular election of prosecuting attorneys, and for other purposes, have had the same under consideration and directed me to report that they consider legislation upon this subject inexpedient, and recommend the indefinite postponement of the bill.

On motion of Mr. Watts,

The report and bill were laid upon the table.

Mr. Baird made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the Senate, entitled, a bill to prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent, have had the same under consideration and instructed me to report the same back to the Senate and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Baird made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives entitled, an engrossed bill supplemental to the act for the selection, rating, &c. of the Wabash and Erie Canal lands, have had the same under consideration and directed me to make one amendment:

Add the following proviso:

"*Provided, however,* That the provisions of this bill shall only apply to such of said lands as have previously been offered for sale."

With said proviso the committee recommend the passage of the bill.

Mr. Mount moved to amend the amendment by making the minimum price of the third class of lands \$2 50 per acre.

Which motion did not prevail.

The bill as amended by the committee was ordered to be engrossed for a third reading.

On motion of Mr. Harris,

The rules were suspended and leave granted him to introduce the following resolution:

Resolved, That when the Senate next adjourns, it will adjourn till Monday next at 9 o'clock.

The ayes and noes were demanded by Messrs. Collins and Sands :

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Bright, Burke, Carr of Jackson, Carnan, Chamberlain, Dobson, Foster, Harris, Herriman, Hoover of Wayne, Miller, Moffatt, Morgan, Read, Reeve, Roberts, Shanks, Sinclear, Tannehill, Walpole and Watts—25.

Those who voted in the negative were,

Messrs. Baird, Carr of Lawrence, Collins, Cornett, Davis, Eggleston, Everts, Hatfield, Hoover of Tippecanoe, Mount, Nave, Nickel, Parker, Parks, Pitcher, Sands, Sheets, Stevenson, West and Wright—20.

So the resolution was adopted.

On motion of Mr. Chamberlain,

The orders of business were suspended and leave granted him to introduce the following bill:

Bill No. 129, to amend an act entitled an act to organize the militia of Indiana, approved February 10, 1836.

On his motion, the rules were suspended, the bill read a second time and referred to the committee on military affairs.

The following message was received from his excellency the Governor by Mr. Kiersted, his private secretary:

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved and signed,

No. 22—An act to amend the act entitled an act to incorporate the Richmond Trading and Manufacturing Company,
Which originated in the Senate.

The following message was received from the House of Representatives by Mr. Ritchey, a member:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed a bill No. 83 of the Senate, entitled, an act to repeal the State board of equalization, without amendment.

On motion,
The Senate adjourned

MONDAY, JAN. 10, 1842.

The Senate assembled.

Mr. Carr of Jackson presented a memorial from sundry citizens of Jackson county, praying a repeal of the bankrupt law; which,

On motion of Mr. Chamberlain,
Was referred to a select committee.

Ordered that Messrs. Chamberlain, Nave, Gregory and Carr of J. compose said committee.

Mr. Aker presented the petition of William Kennedy and others, citizens of Randolph county, praying an act authorizing the county commissioners of said county to retain the amount of surplus revenue due the same;

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Aker, Baird and Wright compose said committee.

Mr. Pitcher, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled:

No. 110—An act for the relief of the owners of certain lots in the town of Indianapolis;

No. 108—An act to vacate the town of Benton, in Hancock county;

No. 107—An act to provide for the election of a justice of the peace in Shielville, Hamilton county;

No. 104—An act to locate a State road in Hancock and Hamilton counties;

No. 92—An act to vacate part of the town of Wilmington, in Clinton county;

No. 81—An act to provide for the election of a justice of the peace in the town of Jonesborough, in Greene county;

No. 39—An act to amend an act to incorporate the Orange Guards;

No. 14—A joint resolution relative to Blackford's reports in La-Grange and Hancock counties.

REPORTS FROM STANDING COMMITTEES.

Mr. Kinzer, from the committee on roads, made the following report:

Mr. PRESIDENT:

The committee on roads to whom was referred an engrossed bill of the House of Representatives No. 98, authorizing Nathan Kirk to build a bridge on the Michigan road have had the same under consideration and have directed me to make the following amendment and recommend its passage, and ask to be discharged from the further consideration thereof:

At the end of the 4th section add,

Under the penalty of \$20 for every day such bridge shall not be kept in order for wagons and carriages to pass over.

The report was concurred in, and the bill as amended ordered to be engrossed for a third reading.

Mr. Collins made the following report:

Mr. PRESIDENT:

The committee on the State Bank to which was referred a resolution of the Senate directing them to enquire into the expediency of better regulating the duties and fees of notaries public who transact business for, or on account of the Bank, and of providing that said notaries shall not be officers of the Bank or in any way connected therewith, have according to order had the same under consideration and have instructed me to report the following bill.

Bill No. 131—amendatory of the acts now in force on the subject of Notaries Public;

Read a first time and passed to a second reading.

Mr. Cornett made the following report:

MR. PRESIDENT :

The committee on the State Bank, to which was referred the petition of P. Nicholson and others of Clark county, praying that a bank district may be created out of certain counties therein named, and a branch of the State Bank established therein, have had the same under consideration, and directed me to report as follows, to-wit:— That the committee, although fully aware of the enterprising character and business habits of the petitioners and people generally of the counties mentioned in said petition, and the great advantages in the way of trade and commerce which would accrue to them from the establishment of a well regulated branch in said proposed district; yet, when they take a view of the financial embarrassments of the State, the suspension of specie payments by the banks generally, and the great uncertainty which awaits money matters in general, and especially in the Western States, they do not deem it practicable, or feel free to recommend to the Senate, at the present time, any further extension of banking operations, and more especially in the way of creating any new branch or branches.

With these views of the subject matter, the committee are of opinion, that any legislative enactment on the subject is inexpedient at the present time. And the said committee ask to be discharged from any further consideration of said petition.

The report was concurred in and the committee discharged.

REPORTS FROM SELECT COMMITTEES.

Mr. Stevenson made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of John S. Jennings and others on the subject of changing the mode of doing county business in the county of Putnam, have had the same under consideration, and have directed me to report a bill in conformity with the prayers of the petitioners.

Bill No. 132, changing the mode of doing county business in the county of Putnam;

Was read a first time; when,

On motion of Mr. Stevenson,

The rules were suspended and the bill read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Harris made the following report:

MR. PRESIDENT :

The select committee to which was referred a bill of the Senate No.

20, a bill for the relief of the owners of Wabash and Erie canal lands have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

Mr. Blair moved to amend by striking out the words "ten per cent." and insert the words "fifty per cent." in lieu thereof.

The question being on its adoption,

The ayes and noes were demanded by Messrs. Harris and Gregory.

Those who voted in the affirmative were,

Messrs. Aker, Berry, Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Elliott, Hatfield, Herriman, Herriott, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Read, Reeve, Roberts, Shanks, Sheets, Stevenson, Watts and West—30.

Those who voted in the negative were,

Messrs. Baird, Carnap, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Parks, Pitcher, Sands, Sinclear, Tannehill, Walpole and Wright—19.

So the amendment was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Nave made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of Ebenezer S. Watson and others, praying the passage of a law legalising the sale of school district in township No. 17 north, of range one east, in the counties of Hendricks and Boone, have, according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage:

Bill No. 133, to legalise the sale of a certain school section therein named;

Read a first time and passed to a second reading.

Mr. Stevenson made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of J. B. Mayhall and others, have, according to order, had the same under consideration, and as the subjects contemplated by the petition are fully before the Senate in bills No. 6 and No. 167, your committee therefore ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Wright made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of N. O. Ross, have had the same under consideration, and directed me to report the following bill and recommend its passage:

Bill No. 134, amendatory to an act to organise probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838;

Read a first time and ordered to a second reading on to-morrow.

RESOLUTIONS.

On motion of Mr. Parker,

Resolved, That the Auditor of State be requested to report to the Senate, so soon as he may be in possession of the same, the average appraisement per acre of the lands in the several counties of this State, which was made during the last year with a view to secure a permanent and equitable basis for land taxation.

And also that he be requested to report whether he knows of any error in his statement of the average price per acre of land in the several counties during the last four years as the same are presented in statement No. 3 of his annual report, or whether he believes any error to exist in that statement, and if any does, that he point it out.

On motion of Mr. Walpole,

Resolved, That the Auditor of Public Accounts be requested to furnish the Senate a list of the counties that he has furnished tract books as well as those counties he has omitted to furnish, and answer the provisions of the revenue laws of the last session of the General Assembly.

On motion of Mr. Parker,

Resolved, That the Treasurer of State be requested to inform the Senate whether he has yet received from the several surplus revenue agents of this State the answers anticipated from them as to previous operations, and the present condition of the fund, so as to enable him to present a satisfactory report on that subject; if so, that he be requested to communicate such report. And also that said Treasurer be requested to communicate to the Senate what additional enactments he may deem advisable, if any, to enforce the attention of officers to their duties, in reference to this fund, and for the most faithful and judicious management of the same.

Mr. Carnan introduced

Joint resolution No. 135, on the subject of obtaining information in relation to the early settlement of this State;

Read a first time and ordered to a second reading.

INTRODUCTION OF BILLS.

Mr. Dobson introduced

Bill No. 136—To provide for the election of a commissioner on the Wabash and Erie Canal west of the Tippecanoe river;

Read a first time and passed to a second reading on to-morrow.

Mr. Carnan introduced

Bill No. 137—Incorporating the Vincennes Historical and Antiquarian Society;

Read a first and second times (the rules having been suspended for that purpose) and,

On motion of Mr. Carnan,

Referred to the committee on corporations.

Mr. Chamberlain introduced

Bill No. 138—To amend an act entitled an act for the incorporation of county libraries, approved February 17, 1838;

Read a first and second times (the rules having been dispensed with for that purpose,) and,

On motion of Mr. Chamberlain,

Referred to the committee on education.

Mr. Cornett introduced

Bill No. 139—To extend the time of holding courts in the county of Ripley, and to regulate the time of holding courts in the counties of Franklin and Ripley;

Read a first time, when,

On motion of Mr. Cornett,

The rules were suspended, the bill read a second time and referred to a select committee composed of the Senators of the third judicial district, viz: Messrs. Mount, Eggleston, Bright and Tannehill.

Mr. Miller introduced

Bill No. 140, for the benefit of the legal heirs of Charles Phillips, deceased;

Read a first time, when,

On motion of Mr. Miller,

The rules were suspended, the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Miller introduced

Bill No. 141—For the relief of Erastus D. Townsend;

Read a first and second times (the rules having been dispensed with for that purpose,) and ordered to be engrossed for a third reading.

Mr. Cornett introduced

Bill No. 142—To prevent the sale of property under execution for less than three fourths its appraised value, where gold and silver is required;

Read a first time, when, on his motion, the rules were suspended and the bill read a second time.

Mr. Gregory moved to refer the bill to the committee on the judiciary.

Which motion prevailed, and so referred.

Mr. Watts introduced

Bill No. 143—To amend an act entitled an act to incorporate the Vevay and Napoleon and other Turnpike companies, approved Feb. 8, 1836;

Read a first and second times (the rules being dispensed with for that purpose,) and referred, on his motion, to the committee on corporations.

The following message was received from the House of Representatives by Mr. Marshall, a member:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House insists upon their disagreement to amendments of the Senate to bill of the House, No. 42, entitled,

An act to abolish imprisonment for debt,

And have appointed Messrs. Hannegan and Gorman a committee of conference on the part of the House, and respectfully ask the appointment of a similar committee on the part of the Senate.

On motion of Mr. Carnan,

A similar committee was appointed on the part of the Senate to take into consideration the subject matter of disagreement.

Ordered that Messrs. Carnan and Elliott compose said committee.

On motion of Mr. Miller,

Bill No. 90—To repeal an act entitled an act to authorize Thomas S. Hinde to establish a ferry therein named, approved January 19, 1841,

Was taken from the table and ordered to be engrossed for a third reading.

On motion of Mr. Nave,

The vote taken on the passage of bill

No. 56—To provide for selecting petit jurors in Hendricks county, and for other purposes,

Was reconsidered, and by unanimous consent amended by striking out from said bill the 3d and 4th sections, and was passed as amended.

ORDERS OF THE DAY.

Bills on their third reading—

Bill No. 78—Supplemental to the act for the selection, rating, &c., of the Wabash and Erie Canal lands,

Read a third time and passed.

Bill No. 91—For the appointment of a commissioner to make deeds and for other purposes;

Read a third time, when,

Mr. Morgan moved to recommit said bill to a select committee with instructions to strike out the 5th section.

Mr. Collins moved to amend the proposed instructions so as to authorize the commencement of suit and preparing proof by deposition at any time within the year, but that judgment shall not be rendered or the executor or administrator be ruled into trial before the expiration of the year.

The question being on the amendment, it was decided in the negative.

The question recurring on the motion of Mr. Morgan to recommit with instructions, it was decided in the affirmative.

Ordered that Messrs. Moffatt, Morgan and Everts compose said committee.

Bill No. 92—To prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent.

Bill No. 100—For the relief of John W. Hitt and others.

Bill No. 103—Supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1831;

Bill No. 104—To amend an act entitled an act pointing out the mode of levying taxes, app. Feb. 12, 1841.

Bill No. 105—To amend an act entitled an act for the preservation of sheep, app. Jan. 25, 1841;

Bill No. 108—To amend an act entitled an act more effectually to secure the purity of elections, approved Feb. 15, 1841;

All of which several bills were read a third time and passed.

BILLS ON THEIR SECOND READING.

Bill No. 109—For the relief of John and Samuel Mathers;

Read a second time.

Mr. Miller moved to indefinitely postpone said bill,

Which motion did not prevail.

Mr. Morgan moved to refer said bill to the committee on the judiciary,

Which did not prevail.

The question recurring on the engrossment of the bill for a third reading,

The ayes and noes were demanded by Messrs. Miller and Morgan:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Bradley, Bright, Burke, Carr of Jackson, Carnan, Carr of L., Davis, Dobson, Elliott, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Parker, Parks, Pitcher, Read, Roberts, Sinclear, Tannehill and Walpole—30.

Those who voted in the negative were,

Messrs. Blair, Cornett, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Reeve, Sands, Shanks, Stevenson, Watts, West and Wright—15.

So the bill was ordered to be engrossed for a third reading on tomorrow.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Davis moved that the rules be suspended and leave granted him to introduce a bill.

Which motion did not prevail.

Bill No. 110—To relocate certain portions of the Michigan road;

Was read a second time when,

On motion of Mr. Baird,

It was amended by striking out the name of "David Hillis" and inserting the words "free of expense," in their proper place.

Bill No. 111—For the better security of the College and Seminary funds arising from the lands in Gibson and Monroe counties;

Joint resolution No. 112—Authorizing the distribution of the revised laws of 1838 to Randolph county;

Joint resolution No. 113—In relation to Indiana University;

All of which several bills and joint resolutions were severally read a second time and ordered to be engrossed for a third reading.

Bill No. 114—Reorganizing the first judicial circuit and fixing the time of holding courts therein and for other purposes,

Read a second time, and,

On motion of Mr. Nave,

Was laid on the table.

Bill No. 115—To prevent usurious practices;

Read a second time, and,

On motion of Mr. Morgan,

Was referred to the committee on the State Bank.

Bill No. 116—Concerning criminal practice;

Read a second time and ordered to be engrossed for a third reading.

Bill No. 117—For the more effectual suppression of extortion;

Read a second time and ordered to be engrossed for a third reading.

Bill No. 118—To change the name of Austin Bush;

Read a second and third times and passed.

Bill No. 119—To amend an act allowing and regulating the writ of *ad quod damnum*, approved Dec. 20, 1823;

Read a second time, and,

On motion of Mr. Nave,

Referred to the judiciary committee.

Bill No. 120—To amend the several acts in relation to the surplus revenue;

Read a second time and ordered to be engrossed for a third reading.

Bill No. 121—To prevent usury;

Read a second time, when,

Mr. Gregory moved to refer it to the committee on the judiciary; on which motion,

The ayes and noes were demanded by Messrs. Moffatt and Wright:

Those who voted in the affirmative were,

Messrs. Baird, Berry, Blair, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Tip., Hoover of Wayne, Mount, Parker, Parks, Read, Reeve, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts and West—34.

Those who voted in the negative were,

Messrs. Bradley, Davis, Dobson, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Pitcher, Roberts, Walpole and Wright—13.

So the bill was referred.

Bill No. 122—To revive and relocate so much of the state road from Fredonia to the mouth of the Wabash, as lies in Warrick county;

Read a second and third times and passed.

Bill No. 44, of the House, for the relief of the borrowers of the surplus revenue and other funds;

Read a second time.

Mr. Carr of L. moved to refer said bill to the committee on education;

Which motion did not prevail, when

On motion of Mr. Baird,

It was referred to a select committee.

Ordered that Messrs. Baird, Carnan, and Parks compose said committee.

Mr. Stevenson moved to instruct the committee as follows:

To report a bill without reducing the interest on said funds to a lower rate than they are loaned at present.

On motion of Mr. Dobson,

Said instructions were laid on the table.

Bill No. 23 of the House, fixing the times of holding circuit courts in the 9th judicial circuit;

Read a second and third times, and passed.

Joint resolution No. 199 of the House, to suspend the operation of a certain law therein named;

Read a second and third times, and passed.

Bill No. 124—Authorizing the recorder of Noble county to correct the records of said county in a certain case therein named;

Bill No. 125—Giving the collector of Decatur county for the year 1840, further time to collect the balance due said collector;

Both of which bills were severally read a second and third times and passed.

Bill No. 126—An act authorizing aliens to hold real estate;

Read a second time, and referred

On motion of Mr. Harris,

To the judiciary committee.

Bill No. 127—To vacate a part of the town of Crawfordsville;

Read a second time, and ordered to be engrossed and read a third time on to-morrow.

Bill No. 128—Supplemental to an act entitled "an act organizing the Supreme Court and defining its powers and duties approved Feb. 17, 1838;

Read a second time, and referred

On motion of Mr. Gregory,

To the judiciary committee.

Bill No. 87 of the House, supplemental to an act to authorize certain persons therein named to erect a dam across the east fork of White river in Lawrence county approved Feb. 4, 1837;

Read a second time, and referred

On motion of Mr. Carr of L.,

To a select committee.

Ordered that Messrs. Carr of L., Davis, and Tannehill, compose said committee.

Bill No. 94 of the House, to incorporate the Wayne, Union, and Randolph turnpike company, and the Union and Wayne turnpike company;

Read a second time, and referred

On motion of Mr. Burke,

To the committee on corporations.

Bill No. 111 of the House, changing the mode of doing county business in the county of Clay

Read a second time and ordered to be engrossed for a third reading

Bill No. 112 of the House, to limit the jurisdiction of justices of the peace in Hendricks county;

Read a second time and referred,

On motion of Mr. Nave,

To the committee on the judiciary.

Bill No. 114 of the House, extending the provisions of an act entitled an act for the relief of the settlers on the Wabash and Erie canal lands approved Feb. 24, 1840;

Bill No. 115 of the House, declaring the road from Winslow in Pike county to Boonville in Warrick county a state road;

Both of which bills were read a second time and ordered to be engrossed for a third reading.

Bill No. 116 of the House, supplemental to an act entitled "an act to provide for the revision of the laws" app. Feb. 4, 1841;

Read a second time and referred,

On motion of Mr. Walpole,

To a select committee.

Ordered that Messrs. Walpole, Carnan, and Parks, compose said committee.

Bill of the House No. 117, to provide for the sale of lands belonging to minors;

Read a second time and referred,

On motion of Mr. Nave,

To the judiciary committee.

Bill of the House, No. 118, to prevent the forfeiture of school lands and for other puposes;

Read a second time and referred,

On motion of Mr. Watts,

To the committee on education.

Bill of the House No. 120, to amend an act entitled an act to amend an act approved February 6, 1837, entitled an act to distribute so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved June 23, 1836, approved February 15, 1841;

Read a second time, and,

On motion of Mr. Nave,

Referred to the committee on the State Bank.

Mr. Herriman moved to instruct the committee to report a general bill;

Which motion did not prevail.

Bill No. 121, of the House, to repeal an act for the preservation of sheep, approved January 25, 1841;

Read a second time, and,

On motion of Mr. Morgan,

Was laid on the table.

Bill No. 124, of the House, to incorporate the Wabash bridge company in the county of Huntington;

Read a second time, and,

On motion of Mr. Carr of Jackson,

Referred to the committee on corporations.

Bill No. 126, of the House to incorporate the White river manufacturing company in Daviess and Knox counties;

Read a second time, and,

On motion of Mr. Davis,

Referred to the committee on corporations.

Bill No. 127, of the House, to vacate a part of the town of Crawfordsville;

Read a second time and ordered to a third reading on to-morrow.

Bill No. 129, of the House, amendatory to an act regulating fees and salaries of the several officers and persons therein named, approved February 7, 1831;

Read a second time; when

Mr. Watts moved to indefinitely postpone said bill.

The ayes and noes were called for by Messrs. Stevenson and Walpole.

Those who voted in the affirmative were,

Messrs. Berry, Bradley, Carr of Jackson, Carr of Lawrence, Carran, Collins, Everts, Gregory, Harris, Herriman, Hoover of Wayne, Kinzer, Morgan, Mount, Parks, Reeve, Sands, Shanks, Sheets, Sinclear, Tannehill and Watts—22.

Those who voted in the negative were,

Messrs. Aker, Blair, Burke, Davis, Dobson, Foster, Hatfield, Hoover of Tippecanoe, Miller, Moffatt, Nickel, Read, Roberts, Stevenson and Walpole—15.

So the motion to indefinitely postpone said bill prevailed.

Bill No. 131, of the House, relative to water power at the town of Delphi, Carroll county ;

Read a second time, and,

On motion of Mr. Blair,

Referred to the committee on canals and internal improvements.

Bill No. 132, of the House, to amend an act entitled an act authorising the appointment of constables and defining their duties, approved February 17, 1838, and for other purposes ;

Read a second time and ordered to be engrossed for a third reading.

Bill No. 137, of the House, to legalise the official acts of a probate judge in Wells county ;

Read a second time and ordered to a third reading on to-morrow.

Bill No. 138, of the House, for the relief of the heirs and legal representatives of Martha Wilson, deceased ;

Read a second and third times and passed.

Bill No. 139, of the House, to legalise an election held in Jackson township, Putnam county ;

Read a second and third times and passed.

Bill No. 140, of the House, for the relief of Hugh Stewart and Robert Stewart ;

Read a second time, and,

On motion of Mr. Davis,

Referred to the committee on canals and internal improvements.

Bill No. 152, of the House, for the relief of Huntington county ;

Read a second time, and,

On motion of Mr. Sinclear,

Referred to the committee on canals and internal improvements.

Mr. Collins introduced the following resolution :

Resolved, That the Senate will (the House of Representatives concurring) proceed on Tuesday, the 11th instant, at 2 o'clock, P. M., to elect a director of the State Bank, on the part of the State, to fill the vacancy which will occur by the expiration of the term of Jacob Walker, Esq. ;

Which was adopted.

Mr. Davis introduced

Bill No. 144, giving further time upon the stay of execution ;

Read a first time and passed to a second reading on to-morrow.

Mr. Eggleston, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred the petition of Frederick L. Gisard and others, relating to the Vevay seminary, have directed me to report the following bill in conformity with the prayer of said petition and recommend its passage :

Bill No. 145, relating to the Vevay seminary ;

Read a first time and passed to a second reading on to-morrow.

Mr. Bradley, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to which was referred bill No. 52, a bill providing for the election of three school commissioners in township No. 14 north, of range No. 7 west, in Parke county, have had the same under consideration, and directed me to report the same back to the Senate and recommend its passage with two amendments :

1st. After the word "services," in the second section, strike out "one dollar," and insert "seventy-five cents."

2d. After the word "township," in the second section, insert, "and they shall elect one of their number whose duty it shall be to act as treasurer."

The report was concurred in and the bill, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Baird, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred a bill of the House of Representatives, No. 44, entitled a bill for the relief of the borrowers of the surplus revenue and other funds, have had the same under consideration and made some amendments thereto, in which they ask the concurrence of the Senate, and with these amendments the committee unanimously recommend the passage of the bill.

The question being on concurring in the report and the adoption of the amendments proposed to the bill,

Mr. Watts called for a division of the question.

The question being on concurring in the first amendment proposed, it was decided in the affirmative.

The question recurring on the adoption of the second amendment.

The ayes and noes were demanded by Messrs. Watts and Bradley.

Those who voted in the affirmative were,

Messrs. Baird, Bright, Burke, Carr of Jackson, Carnan, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parker, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole, West and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Carr of Lawrence, Collins, Cornett, Eggleston, Elliott, Herriman, Hoover of Wayne, Mount, Read, Reeve, Roberts, Sands, Stevenson and Watts—17.

So the amendment was adopted.

The first and second propositions in the third amendment proposed by the committee were severally and separately concurred in.

Mr. Sands moved to lay the bill and report on the table ;

Which motion prevailed.

Mr. Parks moved to reconsider the vote taken on the indefinite postponement of the bill fixing the rate of interest, &c.

The question being on reconsidering,

The ayes and noes were demanded by Messrs. Elliott and Watts.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bright, Burke, Carnan, Davis, Dobson, Everts, Foster, Gregory, Harris, Herriott, Kinzer, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright—25.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Mount, Parker, Read, Reeve, Roberts, Sands, Stevenson, Watts and West—24.

So the vote was reconsidered.

On motion,

The Senate adjourned.

TUESDAY, JAN. 11th, 1842

The Senate assembled.

The President laid before the Senate the following communication from Noah Noble, Esq., fund commissioner, in compliance with a resolution of the Senate calling on him for information therein contained:

THE HON. SAMUEL HALL,

President of the Senate:

In answer to the resolution adopted on the 6th inst., I will inform the Senate that there is no probability, nor as I can see, possibility of a loss to the State in the bonds left with the house of McAlister & Stebbins, in the city of New York. They were the new seven per cent. bonds, authorized to be negotiated by the law of last winter for the payment of our interest, and not being able to dispose of them for money, at the solicitation of our creditors they were left with the house for no other purpose than to be delivered in place of money to all the holders of our stocks, who would accept them in payment of the interest due from the State. The object and extent of the agency of the house were clearly stated in the public notices inserted in the newspapers of the city, and having no authority to sell or pledge the bonds, having made no advance in money upon them, their transfer whether by sale or hypothecation would be void, and whatever may have been the embarrassment of the firm I shall feel disappointed if it shall turn out that they have parted with them.

This is the house that furnished the large loans of over \$300,000, to pay the interest on the debt of the State of Illinois, secured to them by a pledge of the bonds of that State. The moneys thus procured were raised upon the obligations of the firm and upon the bonds pledged to secure them, and it is said, the late depreciation in the market value of the bonds, making the house liable for a large amount of the money, is the leading cause of their failure, but I am in possession of no authentic information on the subject.

To the last branch of the inquiry made in the resolution, whether the firm has been connected with M. B. Sherwood, I will say to the Senate that the resolution contains the only intimation of the kind I have heard of. I neither saw nor heard any thing from the parties, or from others that would lead to the suspicion of any connection with Sherwood, and from their free condemnation of his dishonest operations, in getting up old banks, I am persuaded he never enjoyed their confidence. As dealers, they may have had some moneyed transactions with him, while he was in possession of the large amount of funds derived from Indiana bonds, but of this I know nothing. Mr. McAlister resides in Philadelphia and his partner in New York. It was from a letter to his friend from the former gentleman that I first heard of the purchase, by Sherwood, of French and German gold in

Philadelphia, and when in pursuit of Sherwood at Philadelphia, Mr. McAlister took me to an attorney and rendered me such other assistance as a stranger would need, until Sherwood was traced by the police officers to the packet in which he fled to Europe.

Upon the first intimation of the failure of the firm I transmitted their obligation for 50 bonds, (27 having been settled before I left,) with instructions to withdraw the remainder, and in case an improper use should have been made of them, then to demand them of the holder and if not surrendered, to notify the public of the fact and caution all from taking them.

Respectfully,

N. NOBLE.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT:

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor for his approval and signature, the following enrolled bills of the House of Representatives, to wit :

No. 74, an act to legalize the marriage of William Gapen and Ma-linda G. Moore ;

No. 101, an act to locate a state road.

Mr. Pitcher from the committee on enrolled bills made the following report, to wit :

MR. PRESIDENT:

The joint committee on enrolled bills have this day presented to the Governor for his approval and signature, the following bills and joint resolutions of the House of Representatives, to wit :

No. 14, a joint resolution relative to Blackford's reports in La-grange and Hancock counties ;

No. 110, an act for the relief of the owners of certain lots in the town of Indianapolis ;

No. 108, an act to vacate the town of Benton in Hancock county ;

No. 107, an act to provide for the election of a justice of the peace, in the town of Shiellville, in Hamilton county ;

No. 104, an act to locate a state road therein named, in Hancock and Hamilton counties ;

No. 92, an act to vacate part of the town of Wilmington in Clinton county ;

No. 81, to provide for the election of a justice of the peace in the town of Jonesborough, in Greene county ;

No. 39, an act to amend an act entitled "an act to incorporate the Orange Guards."

The following message was received from the House of Representatives by Mr. Brown their principal clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to amendment of the House to bill of the Senate as follows, to wit :

No. 29, an act for the relief of certain persons therein named.

The House has passed bills of the Senate with amendments, as follows, to wit :

No. 35, an act to amend an act entitled an act to amend an act regulating the mode of doing county business in the several counties in this State ;

No. 106, an act to amend the several acts now in force incorporating the Lawrenceburgh bridge company ;

In which amendments of the House to bills of the Senate, I am instructed to ask the concurrence of the Senate.

MR. PRESIDENT :

I am further directed to inform the Senate that the House of Representatives has passed the following engrossed bills thereof, to wit :

No. 141, an act to provide means for placing the Silver Creek between New Albany and Jeffersonville in a passable condition ;

No. 146, an act concerning the tax imposed on lands of non-residents in Pike county ;

No. 148, an act to change the time of holding the probate courts in Greene county ;

No. 149, an act to exempt probate judges from arrest ;

No. 151, an act to amend an act respecting roads and highways ;

No. 153, an act to authorize the appointment of a commissioner in Lebanon, Boone county ;

No. 155, an act to change a part of a certain state road in Greene county.

No. 158, an act declaring a certain name a misprint and for other purposes ;

No. 157, an act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county ;

No. 161, an act to allow each county in this State to send two students to the State University ;

No. 162, an act to amend an act, approved February 15, 1841, to revise and amend an act incorporating Congressional townships and providing for public schools therein, approved February 17, 1838 ;

No. 170, an act amendatory to an act entitled "an act concerning clerks," approved January 20, 1831 ;

No. 163, an act to establish a tobacco inspection in the town of Point Commerce in Greene county ;

No. 167, an act to locate a state road in Union and Franklin coun-

ties;

No. 173, an act to amend an act entitled "an act to amend and revise an act to incorporate the several townships in the county of Dearborn:"

No. 174, an act to attach an additional school district to Congressional township No. 5, south of range No. 8 west, in Warrick county;

No. 175, an act to change the mode of selecting petit jurors in Lawrence county, and for other purposes;

No. 194, an act exempting the Vincennes fire company from working roads;

In which several bills of the House I am directed respectfully to ask the concurrence of the Senate.

The Speaker of the House has signed the following enrolled bills of the House, to wit:

No. 39, an act to amend an act entitled "an act to incorporate the Orange Guards;

No. 81, an act to provide for the election of a justice of the peace in the town of Jonesborough, in Greene county;

No. 92, an act to vacate a part of the town of Wilmington in Clinton county;

No. 104, an act to locate a state road therein named in Hancock and Hamilton counties;

No. 107, an act to provide for the election of a justice of the peace in the town of Shielville, Hamilton county;

No. 108, an act to vacate the town of Benton in Hancock county;

No. 110, an act for the relief of the owners of certain lots in the town of Indianapolis;

Also the following joint resolution of the House:

No. 14, a joint resolution relative to Blackford's reports in Lagrange and Hancock counties;

Which several bills and said joint resolution I am instructed to bring to the Senate for the signature of the President thereof.

Bill No. 35 in said message, as amended by the House was, on motion of Mr. Watts, concurred in.

Bill No. 106 in said message, as amended was, on motion of Mr. Watts, concurred in.

Bill No. 141, of the House, in said message,

Read a first time, when,

On motion of Mr. Collins, the rules were suspended, the bill read a second time and referred to a select committee.

Ordered, that Messrs. Collins, Davis and Read, compose said committee.

Bills of the House Nos. 146, 148, 149, 151, 153, 155, 157, 158, 161, and 162, contained in said message, were severally read a first time and passed to a second reading on to morrow.

Bill of the House, 163, in said message read a first time; when

On motion of Mr. Dobson,

The rules were suspended, the bill read a second and third times and passed.

Bills Nos. 167, 170, 173, 174, 175 and 194, in said message, were

severally read a first time and ordered to a second reading on to-morrow.

Mr. Parker presented the petition of James Veach and sundry others, citizens of the county of Fayette, praying for the passage of an act authorizing the sale of a school section;

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Parker, Everts, and Bradley compose said committee.

Mr. Blair, presented the petition of Hiram Barnes and three others, praying for relief &c.;

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Blair, Moffat, and Carnan, compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Parker made the following report:

MR. PRESIDENT:

The standing committee on finance to whom was referred a joint resolution providing for the election of an agent to examine the branches of the State Bank, have had the same under consideration and have directed me to report the same back with the following amendment, strike the resolution out from the resolving clause and insert the substitute herewith reported.

The question being on concurring in said report;

Mr. Read moved to amend the amendment substituted by said committee, as follows:

"Said agent shall be elected by joint ballot of both Houses;"

The question being on the amendment to the amendment;

The ayes and noes were demanded by Messrs. Chamberlain and Aker:

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole, Watts, and West—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffat, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, and Wright—26.

So the amendment did not prevail.

Mr. Dobson moved to fill the blank in said joint resolution with the name of "Nathan B. Palmer;"

Which motion did not prevail.

Mr. Stevenson moved to fill the aforesaid blank with the name of "Tilghman A. Howard;"

The ayes and noes being demanded by Messrs. Aker and Everts:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Bright, Burke, Carnan, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Moffat, Morgan, Mount, Parker, Pitcher, Read, Reeve, Sands, Sheets, Stevenson, Watts, and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Carr of J., Carr of L., Chamberlain, Davis, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nave, Nickel, Parks, Roberts, Shanks, Sinclear, Tannehill, Walpole, and West—20.

So the motion prevailed.

On motion of Mr. West,

The amendment was amended as follows: by inserting after the words "affairs and business" the words "all violations of law."

The question then being on concurring in the report as amended; It was decided in the affirmative.

On motion of Mr. Dobson,

The rules were suspended, the joint resolution read a third time and passed.

On motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled,

On motion of Mr. Elliott,

The rules were suspended and leave granted him to make the following report:

MR. PRESIDENT :

The joint committee of free conference, appointed on the part of the two Houses to take into consideration the disagreement of the Senate and House of Representatives, in relation to the amendment of the Senate to the engrossed bill of the House entitled No. an act to abolish imprisonment for debt, have conferred together on the subject of said disagreement, and have agreed to the following substitute

for the said bill of the House and the amendment of the Senate thereto.

AN ACT TO ABOLISH IMPRISONMENT FOR DEBT.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no writ of *capias ad satisfaciendum* shall be issued against the body of any debtor within the State of Indiana, except as hereinafter provided.

SEC. 2. That hereafter special bail shall not be required in any case until the plaintiff, his agent or attorney, shall make and file with the officer or court where suit shall be commenced, an affidavit, stating that he believes the defendant is about to leave the State of Indiana, taking with him property subject by the laws of the State to execution, or other means or effects with which he might pay said debt or some part thereof, with intent to defraud his creditors; and in such case the recognizance of special bail shall amount only to an undertaking that the defendant will surrender his body or the property, means and effects held at the time of making such affidavit, in payment of the debt, and in default thereof the security on the bail bond shall only be liable for the amount of the property, means and effects, which the plaintiff may shew the defendant to have held at the time of making the affidavit aforesaid.

SEC. 3. That hereafter it shall be lawful for any plaintiff, his agent or attorney, who may wish to sue out any *capias ad satisfaciendum* against the body of any judgment defendant, to file before the justice, or in the office of the clerk of the court where such judgment may be rendered, an affidavit, charging the defendant with fraudulently concealing his property or other means or effects, or charging that said defendant has moneys, rights, credits or effects, with which such judgment or some part thereof might be paid, and which he so conceals to defraud such plaintiff; upon the filing of which affidavit, it shall be the duty of the justice or clerk where such judgment may be rendered, to summon the defendant to appear and show cause why a *capias ad satisfaciendum* shall not issue against him on said judgment, which summons, if to appear before any court of record, shall be served at least ten days before the commencement of such court, and if before a justice of the peace, at least three days before the time fixed for the trial thereof, and two returns of not found shall be deemed equivalent to a service; and if the defendant shall appear and plead to such charges, and on such issue of fraud a jury may be empaneled at the instance of either party, and the same may be submitted to the court, and if on such hearing the issue is found against the defendant, the plaintiff shall forthwith be entitled to a writ of *capias ad satisfaciendum*, to be regulated by the laws now in force, except so far as the same may be changed by the provisions of this act, unless the defendant shall forthwith surrender the property, means or effects so found to be fraudulently concealed by him; and if said issue is found against the plaintiff, no *ca. sa.* shall

be issued, and the plaintiff shall pay the costs: *Provided, however,* That if such defendant shall fail to appear and plead to such charges, the justice or court may proceed to hear and determine the same in his absence, or empanel a jury for that purpose, if required by the plaintiff: *Provided, further,* That in case no special bail has been given by the defendant in the suit in which the judgment was rendered, and the plaintiff, his agent or attorney shall also state in such affidavit that he is afraid and believes that the defendant will clandestinely leave the State before the issue of fraud can be determined, then, instead of the summons contemplated by this section, a writ of *capias ad respondendum* shall be issued, on which the defendant shall give bail for his appearance at such trial and for the surrender of his body in case a writ of *ca. sa.* shall be awarded against him.

SEC. 4. That hereafter when any person shall be in custody on any civil process, it shall be lawful for him to sue out a writ of *habeas corpus* in the county in which he may be confined, and on the return and hearing thereof, it shall be competent for him to prove to the judge or judges before whom the same may be returned, that he has not been guilty of fraud or concealment, as charged against him, of his property or means, whereby the debt of the plaintiff or any part thereof might have been paid, and if upon such hearing, such person shall satisfy such judge or judges that he has not been guilty of such fraud or concealment, it shall be the duty of such judge or judges forthwith to order such person to be discharged, and such order shall be available as a defence to any suit which may be instituted on the bail bond, or against any officer for such person's escape.

SEC. 5. That hereafter when any writ of *ne exeat* shall be issued by any court or justice of the peace, it shall be the duty of the officer serving the same, upon the request of the defendant, to take him forthwith before the justice issuing said writ, or before the associate judges of the court out of which said writ shall issue, of which said plaintiff, his agent or attorney shall have notice, if in the county, when said defendant shall be allowed to disprove the matters alleged in the plaintiff's affidavit, and if it shall thereupon appear to the satisfaction of such judges or justice that the defendant does not intend to leave the State, with intent to defraud the plaintiff, the defendant shall thereupon be released.

SEC. 6. That all persons now confined in the prison or prison bounds of any county in this State by or under any writ or other restraining process, in any civil case, be and the same are hereby discharged; and this act may be plead in bar to any action on any prison bound bond: *Provided, however,* That such discharge shall not bar the plaintiff from suing out another *ca. sa.* as herein before provided: All laws and parts of laws coming in conflict with the provisions of this act be, and the same are hereby repealed.

This act to be in force from and after its publication in the Journal and Sentinel, and a copy thereof shall be sent immediately to each clerk's office in this State by the Secretary of State.

The question being on concurring in the report,

The ayes and noes were demanded by Messrs. Nave and Moffatt.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Bright, Blair, Burke, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Everts, Gregory, Harris, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Parks, Read, Roberts, Sands, Sheets, Sinclair, Stevenson, Watts, West and Wright—32.

Those who voted in the negative were,

Messrs. Aker, Angle, Bradley, Carr of Jackson, Foster, Herriman, Herriott, Miller, Moffatt, Nave, Nickel, Parker, Pitcher, Reeve, Shanks and Tannehill—16.

So the report was concurred in.

The Senate resumed the consideration of the question pending on adjournment yesterday, it being

Bill No. 53, to amend an act entitled an act regulating the interest of money in the State of Indiana.

On motion of Mr. Baird,

Said bill was laid on the table.

On motion of Mr. Baird,

Bill No. 44, of the House, for the relief of the borrowers of the surplus revenue and other funds, was taken from the table.

On motion of Mr. Dobson,

Said bill was amended as follows:

SEC. The defendants in any judgment obtained by the school commissioners of any county for any money loaned, shall have the benefit of this act by giving sufficient security.

Mr. Herriman moved to amend the amendment as follows:

Nothing in this act shall be so construed as to require the interest on any fund applied to the use of common schools in the counties of Noble, Lagrange, Steuben, De Kalb, Henry, Fayette, Putnam, Elkhart, Jackson, Scott, Vermillion, Ripley, Rush, Floyd, Cass, Marion, Wabash, Crawford, Dearborn, White, Parke, Switzerland, Orange, Pike, Lawrence, Union, Wayne, Decatur, Franklin, Knox, Carroll and Clinton, but the time of payment is hereby extended to the above named counties.

Mr. Baird moved to lay the amendment to the amendment on the table.

The ayes and noes were demanded by Messrs. Herriman and Moffatt.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Carnan, Dobson, Foster, Gregory, Harris, Herriott, Hoover of Tippecanoe, Kinzer, Miller, Moffatt, Nave, Nickel, Parks, Pitcher, Shanks and Tannehill—21.

Those who voted in the negative were,

Messrs. Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Davis, Eggleston, Elliott, Everts, Hatfield, Herriman, Hoover of Wayne, Morgan, Mount, Parker, Read, Reeve, Roberts, Sands, Sheets, Stevenson, Watts and West—26.

So the motion did not prevail.

Mr. Harris moved to commit the bill to a select committee with instructions to strike out all that part that relates to the college and common school funds.

Mr. Moffatt called for a division of the question.

The question then being on committing said bill to a select committee, it was decided in the affirmative.

The question then recurring on the instructions proposed by Mr. Harris, it was decided in the affirmative, and the committee so instructed.

Ordered, That Messrs. Harris, Watts and Elliott compose said committee.

On motion of Mr. Stevenson,

The committee were further instructed as follows:

To exempt chartered universities, colleges and seminaries from the provisions of said bill.

BILLS ON THEIR THIRD READING.

Bill No. 20, for the relief of owners of Wabash and Erie canal lands;

Read a third time and passed.

Bill No. 109, for the relief of John and Samuel Mathers;

Read a third time, when,

The question being, Shall the bill pass?

The ayes and noes were demanded by Messrs. Moffatt and Sands.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Bradley, Bright, Carr of Lawrence, Carnan, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Hoover of Tippecanoe, Kinzer, Parks, Pitcher, Read, Roberts, Sinclear, Tannehill and Walpole—24.

Those who voted in the negative were,

Messrs. Angle, Blair, Burke, Carr of Jackson, Chamberlain, Collins, Cornett, Eggleston, Herriman, Hoover of Wayne, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Reeve, Sands, Shanks, Sheets, Stevenson, Watts, West and Wright—25.

So the bill did not pass.

Bill No. 110, to relocate certain portions of the Michigan road:

Read a third time, and,

On motion of Mr. Angle,

Was laid on the table.

Bill No. 111, for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties.

Read a third time, when

Mr. Chamberlain moved to recommit the bill to the committee on finance.

On motion of Mr. Watts,

Said motion was laid on the table.

The question then being, Shall the bill pass? It was decided in the affirmative.

Joint resolution No. 112, authorising the distribution of the revised laws of 1838 to Randolph county;

Joint resolution No. 113, in relation to Indiana University;

Bill No. 116, concerning criminal practice;

Bill No. 117, for the more effectual suppression of extortion;

Bill No. 120, to amend the several acts in relation to the surplus revenue;

Bill No. 124, authorising the recorder of Noble county to correct the records of said county in a certain case therein named;

Bill No. 127, to vacate a part of the town of Crawfordsville;

Bill No. 132, changing the mode of doing county business in the county of Putnam;

Bill No. 140, for the benefit of the legal heirs of Charles Phillips, deceased;

Bill No. 141, for the relief of Erastus D. Townsend;

Bill No. 52, of the House, providing for the election of three commissioners in school section No. 14 north, of range No. 7 west, in Parke county;

Bill No. 98, of the House, to authorise Nathan Kirk to build a bridge on the Michigan road;

Bill No. 111, of the House, changing the mode of doing county business in the county of Clay.

All of which bills and joint resolutions were severally read a third time and passed.

Bill No. 114, an act extending the provisions of an act entitled an act for the relief of the settlers on the Wabash and Erie canal lands, approved February 24, 1840;

Read a third time, and,

On motion of Mr. Wright,

Laid on the table.

Bill No. 115, of the House, declaring the road from Winslow in Pike county to Boonville in Warrick county a state road;

Bill No. 127, of the House, to amend an act pointing out the mode of levying taxes, approved February 12, 1841;

Bill No. 132, of the House, to amend an act authorising the appointment of constables and defining their duties, approved February 19, 1838, and for other purposes;

Bill No. 137, of the House, to legalise the official acts of a probate judge in Wells county;
All of which bills were severally read a third time and passed.

BILLS ON THEIR SECOND READING.

Bill No. 131, amendatory of the acts now in force on the subject of notaries public;

Read a second time and ordered to be engrossed for a third reading.

Mr. Watts moved to take from the table a bill in relation to prosecuting attorneys;

Which motion did not prevail.

Joint resolution No. 135, on the subject of obtaining information in relation to the early settlement of this State;

Read a second time and ordered to be engrossed for a third reading.

Bill No. 133, to legalise the sale of a certain school section therein named;

Read a second time and ordered to be engrossed for a third reading on to morrow.

Bill No. 134, amendatory to an act to organise probate courts and defining the powers and duties of administrators and guardians, approved February 17, 1838:

Read a second time, and,

On motion of Mr. Elliott,

Referred to a select committee.

Ordered, That Messrs. Elliott, Eggleston and Collins compose said committee.

Bill No. 136, to provide for the election of a commissioner on the Wabash and Erie canal west of the Tippecanoe river;

Read a second time, and,

On motion of Mr. Baird,

Referred to the committee on canals and internal improvements.

Bill No. 144, giving further time upon the stay of execution;

Read a third time, and,

On motion of Mr. Davis,

Was laid on the table.

Bill No. 145, relating to the Vevay seminary;

Read a second time and ordered to be engrossed for a third reading.

Mr. Morgan, from the committee on finance, made the following report:

MR. PRESIDENT:

The standing committee on finance, to which was referred bill No. 54, of the Senate, have had the same under consideration, and have directed me to report that the subject matter contained in said bill has

passed the Senate, they therefore ask to be discharged from the further consideration thereof, and recommend the indefinite postponement of the bill.

The report was concurred in and the bill indefinitely postponed.

Mr. Parker made the following report:

MR. PRESIDENT:

The standing committee on the judiciary agreeably to order have had under consideration, bill No. 10, of the House, which provides for repealing that portion of the revenue law which requires exchange brokers to procure a license to carry on their business, and have directed me to report the same back with a recommendation that it be indefinitely postponed, and that the bill herewith reported be adopted.

The question being on the indefinite postponement of the bill, No. 10, of the House in said report, it was decided in the affirmative, and

Bill No. 146, relative to exchange brokers, as reported by said committee, was read and ordered to a second reading on to morrow.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The standing committee on corporations to whom was referred a bill incorporating the Vincennes Historical and Antiquarian Society, have had that subject under consideration and directed me to report the same back to the Senate without amendment and recommend its passage.

The bill was ordered to be engrossed for a third reading on to morrow.

Mr. Walpole made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House, No. 116, supplemental to an act entitled "an act to provide for the revision of the laws," approved February 4, 1841, have had the matter under consideration, and have directed me to report the same back to the Senate with one amendment, and recommend its passage, as follows:

SEC. 2. That it shall be the duty of the said Samuel Bigger, and George H. Dunn, to compile all of the statutes or acts of the British Parliament, not local to that Kingdom, nor inconsistent with the laws of this State and made in aid of the common law; except so much thereof as is excepted by an act entitled "an act declaring what laws shall be in force, approved January 2, 1818, and to report the same at the next session of the General Assembly.

The report was concurred in and the bill so amended.

The question being on the engrossment of said bill for a third reading,

The ayes and noes were demanded by Messrs. Wright and Elliott :

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Carr of J., Carnan, Collins, Chamberlain, Davis, Eggleston, Gregory, Harris, Herriman, Herriott, Kinzer, Miller, Morgan, Parks, Read, Roberts, Sinclear, Walpole and West.—22.

Those who voted in the negative were,

Messrs. Angle, Bradley, Bright, Burke, Carr of J., Cornett, Dobson, Elliott, Everts, Hoover of T., Hoover of W., Mount, Nave, Parker, Reeve, Sheets, Stevenson, Tannehill, Watts and Wright.—20.

So the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the Senate, to wit :

No. 12, an act to amend an act entitled "an act to regulate the taking up of animals going astray, and water crafts and other articles of value adrift," approved February 15, 1841 ;

No. 25, an act to legalize the election of Mason Palmer, formerly justice of the peace of Daviess county ;

No. 43 an act to amend an act relating to county seminaries, approved February 17, 1838 ;

No. 48, an act for the relief of Samuel D. Gresham, collector of Carroll county ;

No. 83, an act to repeal the state board of equalization ;

Also, the following enrolled with the engrossed bills and joint resolution of the House of Representatives, to wit :

No. 78, an act supplemental to the act for the selection, rating, &c., of the Wabash and Erie canal lands ;

No. 123, an act fixing the times of holding circuit courts in the 9th judicial circuit ;

No. 138, an act for the relief of the heirs and legal representatives of Martha Wilson, deceased ;

No. 139, an act to legalize an election held in Jackson township, Putnam county ;

No. 199, a joint resolution to suspend the operation of a certain act therein named ;

And have found the same correctly enrolled.

On motion,

The Senate adjourned.

WEDNESDAY MORNING JAN. 12, 1842.

The Senate assembled.

Mr. Davis moved to add Messrs. Carnan and Sands to the select committee, to whom was referred

Bill No. 141, of the House, to provide means for placing the Silver Creek between New Albany and Jeffersonville in a passable condition; Which motion did not prevail.

The following message was taken up which was received from the House of Representatives, on yesterday, by Mr. Norvel, a member :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has passed the following bill, (to wit :) A bill declaring a divorce in a certain case therein named, and for other purposes ; in which the concurrence of the Senate is respectfully requested.

The bill was read a first time and ordered to be engrossed for a third reading on to-morrow.

The following message was received from the House of Representatives by Mr. Brown their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in amendment of the Senate to bill of the House as follows, to wit :

No. 78, an act supplemental to the act for the selection, rating, &c., of the Wabash and Erie canal lands.

The House has also passed without amendment the following engrossed bills of the Senate, to wit.

No. 56, an act to provide for selecting petit jurors in Hendricks county and for other purposes :

No. 118, an act to change the name of Austin Bush.

The House has concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses relative to the amendments of the Senate to bill of the House No. 42, entitled "an act to abolish imprisonment for debt."

The House has also passed the following engrossed bills thereof as follows :

No. 206—An act for the relief of James R. McCord ;

No. 229—An act to incorporate the trustees of the Laporte University ;

The House has further reciprocated the resolution of the Senate relative to the election of a director of the State Bank, with an amendment: strike out "Tuesday 11th inst." and insert "Monday the 17th inst."

In which report of the committee of free conference, passage of the bills, and amendment of the House, I am directed respectfully to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed the following enrolled bills of the House of Representatives, to-wit:

No. 78—An act supplemental to the act entitled "an act providing for the selection, rating, and selling lands yet due on the Wabash and Erie canal east of the mouth of Tippecanoe river; and for other purposes app. Feb. 24, 1840.

No. 123—An act fixing the times of holding circuit courts in the 9th judicial circuit;

No. 138—An act for the relief of the heirs and legal representatives of Martha Wilson deceased;

No. 139—An act to legalize an election held in Jackson township Putnam county;

Also the following joint resolutions of the House, to-wit:

No. 199—A joint resolution to suspend the operations of a certain law therein named;

Also the following enrolled bills of the Senate, to-wit:

No. 12—An act to regulate the taking up of animals going astray, and water crafts and other articles of value adrift, approved Feb. 15, 1841;

No. 25—An act to legalize the election of Mason Palmer formerly a justice of the peace of Daviess county;

No. 43—An act to amend "an act relating to county seminaries" app. Feb. 17, 1838.

No. 48—An act for the relief of Samuel D. Gresham collector of Carroll county;

No. 83—An act to repeal the state board of equalization;

Which several enrolled bills I am instructed to bring to the Senate for the signature of the President thereof;

Whereupon the President signed the same.

Bills Nos. 206, and 227, in said message;

Read a first time and ordered to a second reading on to-morrow.

Mr. Baird presented the petition of Abraham R. Harper, Powers Green, and Samuel Witter of St. Joseph county asking for authority to sell a certain town lot, purchased for seminary purposes; which on his motion was referred to a select committee.

Ordered that Messrs. Baird, Angle, and Parks, compose said committee.

Mr. Elliott presented a communication from the Auditor of State in relation to the salary of Mr. Andrew Aker, a former member of the Senate, which, on his motion, was referred to the committee on claims-

Mr. Pitcher from the committee on enrolled bills made the following report, to-wit:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate and find them correctly enrolled, to-wit:

No. 35—An act to amend an act entitled an act to amend an act regulating the mode of doing county business in the several counties in this State;

No. 106—An act to amend the several acts now in force incorporating the Lawrenceburgh bridge company;

Mr. Pitcher from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bill of the House of Representatives and find it correctly enrolled, to-wit:

No. 52—An act providing for the election of three school commissioners in township No. 14, north of range 7 west, in Park county.

REPORTS FROM STANDING COMMITTEES.

Mr. Stevenson made the following report:

MR. PRESIDENT:

The committee on finance to which was referred bill No. 11, authorizing the issue of five dollar notes for the redemption of the fifty dollar treasury notes now in circulation, have according to order, had the same under consideration and have directed me to report the same back to the Senate and ask to be discharged from the further consideration of the subject.

On motion of Mr. Mount

Said bill was referred to a select committee.

Ordered, that Messrs. Mount, Watts and Harris, compose said committee.

On motion of Mr. Aker

The orders of business were suspended, and leave granted him to present the petition of sundry citizens of Delaware county, praying an act incorporating the town of Muncietown in said county, which, on his motion, was referred to a select committee.

Ordered, that Messrs. Aker, Elliott and Collins, compose said committee.

Mr. Moffatt made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill of the Senate

No. 66, to authorize the reception of that portion of the proceeds of the sales of the public lands to which the State of Indiana is entitled by virtue of the act of Congress entitled an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights, approved September 4, 1841, have had the same under consideration, and instructed me to report the same back to the Senate without amendment and recommend its passage.

The bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Moffatt made the following report :

MR. PRESIDENT :

The committee on finance to whom was referred the petition of certain citizens of Wayne county praying for a suspension of actions for debt or a stay law for two years, have had the same under consideration and believing the measures of relief already adopted sufficient, have directed me to report the same back to the Senate and ask to be discharged from its further consideration.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Wright made the following report :

MR. PRESIDENT :

The standing committee on the judiciary to whom was referred a bill of the Senate, No. 104, to authorize agents of the surplus revenue and others to dispose of lands bid off on behalf of the State, have had the same under consideration and directed me to report the same back with the following amendments and recommend its passage."

1st. In the first section strike out the words "amount due" and insert the "sum for which such lands was originally sold or mortgaged."

Add the following as an additional section:

Sec. That such agent shall have full power and authority to lease any and all lands and tenements purchased under the provisions of the act, to which this is an amendment, accounting for rent, received as other funds coming to his hands as such agent.

The report was concurred in and the amendments ordered to be engrossed and the bill read a third time on to-morrow.

Mr. Parker made the following report :

MR. PRESIDENT :

The judiciary committee to whom was referred bill No. 69, of the House, entitled "an act regulating the duties of clerks of the circuit courts and county auditors," have had the same under consideration and have directed me to report the same back with a recommendation that the same be stricken out from the enacting clause and the substitute herewith reported be inserted instead thereof.

The report was concurred in and the amendment ordered to be engrossed for a third reading on to-morrow.

Mr. Cornett made the following report :

MR. PRESIDENT :

The committee on the judiciary to which was referred bill No. 86, of the House, entitled a bill to amend an act regulating the jurisdiction and duties of justices of the peace, have had the same under consideration, and directed me to report it back to the Senate and recommend its passage.

On motion of Mr. Parker

Said bill was laid on the table.

Mr. Cornett made the following report :

MR. PRESIDENT :

The committee on the judiciary to which was referred the petition of D. M. McConayly, praying for relief to persons indebted to the school fund have had the same under consideration, and directed me to report that any farther legislation on that subject at the present time is unnecessary and inexpedient, and ask to be discharged from the further consideration of said petition.

The report was concurred in and the committee discharged from the farther consideration of said petition.

Mr. Burke from the committee on federal relations made the following report :

MR. PRESIDENT :

Your committee on federal relations to whom was referred a resolution of the Senate enquiring into the expediency of extending time to the borrowers of the sinking fund and a reduction of interest on the same, has according to order, had the same under consideration, and have directed me to make the following report: Your committee are of opinion that as there has been bills before the Senate on the same subject, that further legislation is not necessary, and therefore ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Aker made the following report :

MR. PRESIDENT :

The committee on federal relations, to which was referred memorials from sundry citizens of this State, praying the Legislature to instruct our Senators and request our Representatives in Congress to vote for a repeal of the bankrupt law, have had the same under consideration, and a majority of the committee have instructed me to

ABSTRACT B,

[To follow Gov.'s Message, Senate Journal.

Showing the dates of the laws authorizing the sales of Bonds, their date and amount, when reimbursable, to whom sold, rate of interest and sale, for what purpose sold, proceeds, amount received and amount yet due.

Date of law authorizing the loan.	Date of Bonds.	When reimbursable.	Amount of the bonds.	To whom sold, &c.	Rate of Interest.	Rate of sale.	For what purpose sold.	Proceeds of sale and amount for which hypothecated.	Amount received.	Amount yet due.
Jan. 1832	1st July, 1832	1862 to 1885	100,000 00	J. D. Beers & Company, - - -	6 per cent.	\$ 113 26	Wabash and Erie Canal,	\$113,260 00	113,260 00	— — —
" 1834	" " 1834	1854 to 1864	500, —	Prime, Ward & King, - - -	5	101 05	State Bank,	505,250	505,250 00	— — —
1832, 1834	" Jan'y 1835	1866 to 1886	300, —	same, - - -	5	102 05	Wabash and Erie Canal,	306,150	306,150 00	— — —
1834	" July, "	1866 to 1886	65,257 42	Secretary of War, - - -	5	107	same,	69,825 44	69,825 44	— — —
1834, 1835	" " "	1866 to 1886	200, —	J. J. Cohen, jun. & Brother,	5	105	same,	210, —	210, —	— — —
1834	" " "	1855 to 1865	400, —	same, - - -	5	104 50	State Bank,	418, —	418, —	— — —
"	" " "	" " "	50, —	Prime, Ward & King, - - -	5	104 50	same,	52,250 00	52,250 00	— — —
1835	" " "	1866 to 1886	40, —	same, - - -	5	105	Wabash and Erie Canal,	42, —	42, —	— — —
1835	" 1836	1866 to 1886	100, —	J. J. Cohen, jun. & Brother,	5	100	same,	100, —	100, —	— — —
1835	" " "	1866 to 1886	2,742 58	Secretary of War, - - -	5	107	same,	2,934 56	2,934 56	— — —
1834	" " "	1856 to 1866	440, —	Thos. Biddle & Co. & M. C. & B. Co.	5	101	State Bank,	444,400 00	444,400 00	— — —
1836	" " "	" 1861	400, —	J. J. Cohen, jun. & Brother,	5	100	Internal Improvement,	400, —	400, —	— — —
"	" " "	" " "	450, —	T. Biddle & Co., & M. Canal & B. Co.	5	101	same,	454,500 00	454,500 00	— — —
1835	" " "	1866 to 1886	139, —	same, - - -	5	101	Wabash and Erie Canal,	140,390 00	140,390 00	— — —
1836	" " "	1857	100, —	Lawrenceburgh and Indianapolis Rail Road Co.	5	100	Law. & Indianapolis Rail Road,	100, —	100, —	— — —
1836	" 1837	1866 to 1886	30, —	Christmas, Livingston & Company,	5	100	Wabash and Erie Canal,	30, —	30, —	— — —
"	" " "	" " "	350, —	Morris Canal and Banking Company,	5	102	same,	357, —	357, —	— — —
"	" " "	1862	400, —	same, - - -	5	100	Internal Improvement,	400, —	400, —	— — —
"	" " "	" " "	1,050,000 00	same, - - -	5	102	same,	1,071,000 00	1,071,000 00	— — —
"	" " "	" " "	200, —	same, - - -	5	103	same,	206, —	206, —	— — —
"	" " "	1857	121, —	Lawrenceburgh and Indianapolis Rail Road Co.	5	100	Law. & Indianapolis Rail Road,	121, —	121, —	— — —
"	" " 1838	1862	40, —	Staten Island Whaling co. - - -	5	100	Internal Improvement,	40, —	40, —	— — —
"	" " "	" " "	300, —	Western Bank of New York,	5	100	same,	300, —	60, —	240,000 00
"	" " "	" " "	100, —	Erie County Bank, - - -	5	100	same,	100, —	100, —	— — —
"	" " "	" " "	100, —	Detroit & Pontiac R. R. Co.	5	100	same,	100, —	10, —	90, —
"	" " "	" " "	60, —	Staten Island Whaling Co.	5	100	same,	60, —	— — —	60, —
"	" " "	" " "	1,000,000 00	Morris Canal and Banking Co.	5 Sterling.	100	same,	1,000,000 00	1,000,000 00	— — —
"	" " "	" " "	200, —	same, - - -	5	90	same,	180, —	180, —	— — —
1838	" Jan'y, 1839	1869 to 1889	400, —	same, - - -	5	90	Wabash and Erie Canal,	360, —	207,724 20	152,275 80
1836	" " "	1868 to 1874	1,000,000 00	same, - - -	5 Ster.	98	State Bank,	980, —	20, —	960, —
1836	" " "	1863	800, —	same, - - -	5 "	100	Internal Improvement,	800, —	— — —	— — —
"	" " "	" " "	200, —	same, - - -	5 "	98	same,	196, —	— — —	— — —
"	" " "	" " "	232, —	same, - - -	5	88	same,	204,160 00	728,652 72	1,273,107 28
"	" " "	" " "	380, —	same, - - -	5	88	same,	334,400 00	— — —	— — —
"	" " "	" " "	190, —	same, - - -	5	88	same,	167,200 00	— — —	— — —
"	" " "	" " "	300, —	same, - - -	5 Ster.	100	same,	300, —	— — —	— — —
"	" " "	" " "	20, —	Binghampton Bank, - - -	5	88	same,	17,600 00	17,600 00	— — —
1839	" " "	1864	294, —	Branches of State Bank, - - -	6	100	4th Inst. U. S. Surplus Revenue,	294, —	294, —	— — —
1836	" " "	" " "	200, —	Merchant's Exchange Bank, - - -	5	96	Internal Improvement,	192, —	— — —	192, —
"	" " "	" " "	35, —	Bank of Commerce, - - -	5	96	same,	33,600 00	— — —	33,600 00
"	" " "	" " "	47, —	Bank of North America, - - -	5	88	same,	41,360 00	1,360 00	40, —
"	" " "	" " "	221, —	Madison Company, - - -	5	88	same,	194,480 00	194,480 00	— — —
"	" " "	" " "	95, —	same, - - -	5	88	same,	83,600 00	83,600 00	— — —
Feb. 1841	1841	1843	30, —	Various persons. - - -	7 Sterling.	100	Payment of Interest,	30,000 00	30,000 00	— — —
			*404,000 00	same, - - -	5		Sold to pay int. und. hypothecation	131,175 00	131,175 00	— — —
			*665,000 00	Yet unsold, - - -			Under hypothecation.	144,697 75	144,697 75	— — —
			12,751,000					11,828,232 75	8,732,205 04	3,040,972 08

*These Bonds were not registered, and it cannot be safely determined to what particular fund they belonged. They consisted of bonds previously executed for various purposes, bearing different dates, and reimbursable at different periods.

The whole public debt is as follows—

1. Total amount of bonds disposed of for every purpose whatsoever,	\$12,751,000 00
2. Supposed amount of Treasury Notes outstanding, including interest,	1,385,000 00
3. Amount due State Bank for advances on the public works in 1839, including interest to Oct. 30, 1841,	693,146 00
4. July instalment of interest still due, deducting \$30,000, seven per cent. bonds given for coupons,	259,000 00
Total,	\$15,088,146 00

report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

On motion of Mr. Nave,

Said petitions were referred to a select committee, composed of Messrs. Chamberlain, Nave, Gregory and Carr of Jackson.

Mr. West made the following report:

MR. PRESIDENT :

The committee on federal relations, to whom was committed the joint resolution relating to the repeal of the duty on salt, have had the subject under consideration, and have instructed me to report the same without amendment and recommend its passage.

Mr. Eggleston moved to amend the resolution as follows :

And to establish in the revenue system of the United States a discriminating principle by which the duties for the raising of revenue shall be mainly laid upon articles of luxury, which are the productions of foreign countries, having a just regard to the protection of domestic manufactures.

On motion of Mr. Dobson,

The amendment was amended as follows :

And to impose a duty on all articles manufactured in England and France in proportion to the duty they impose on American tobacco and bread stuffs.

Mr. West moved to amend as follows :

Without violating the just rights of the consumer and the constitution of the United States.

Mr. Eggleston moved to lay the proposed amendment on the table.

The ayes and noes were demanded by Messrs. Chamberlain and Carnan.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Miller, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herрман, Hoover of Wayne, Kinzer, Nickel, Parks, Read, Roberts, Shanks, Sinclair, Tannehill and West—23.

So the amendment was laid on the table.

The question being on the adoption of the amendment as amended,

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bills on their third reading :

Joint resolution No. 116, of the House, supplemental to an act entitled an act to provide for the revision of the laws, approved February 4, 1841 ;

Bill No. 131, amendatory of the acts now in force on the subject of notaries public ;

Bill No. 133, to legalise the sale of a certain school section therein named ;

Joint resolution No. 135, in relation to the early settlement of this State ;

Bill No. 137, relating to the Vevay seminary ;

Bill No. 145, relating to the Vevay seminary ;

All of which bills and joint resolutions were severally read a third time and passed.

Bills on their second reading :

Bill No. 149, of the House, to exempt probate judges from arrest ;
Read a second time, and,

On motion of Mr. Nave,

Referred to the judiciary committee.

Bill of the House No. 161, to allow each county in this State to send two students to the State University ;

Read a second time and ordered to a third reading on to-morrow.

Bill No. 162, of the House, to amend an act approved February 15, 1841, to revise and amend an act incorporating townships and providing for public schools therein, approved February 17, 1838 ;

Read a second time, and,

On motion of Mr. Baird,

Referred to the committee on education.

Bill No. 170, of the House, amendatory to an act entitled an act concerning clerks, approved January 20, 1831 ;

Read a second time, and,

On motion of Mr. Baird,

Referred to the judiciary committee.

Bill No. 151, of the House, to amend an act respecting roads and highways ;

Read a second time, and,

On motion of Mr. Watts,

Referred to a select committee.

Ordered, that Messrs. Watts, Eggleston and Mount compose said committee.

Bill No. 146, of the House, concerning the tax imposed on the lands of non-residents in Pike county ;
Read a second time and referred to a select committee.

Ordered, that Messrs. Miller, Dobson and Parks compose said committee.

Bill No. 148, of the House, to change the time of holding the probate courts in Greene county ;

Bill No. 153, of the House, to authorise the appointment of a commissioner in Lebanon, Boone county ;

Bill No. 157, of the House, to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county ;

Bill No. 155, of the House, to change a part of a certain state road in Greene county ;

Bill No. 158, of the House, declaring a certain name a misprint and for other purposes ;

Bill No. 167, of the House, to locate a state road in Union and Franklin counties ;

Bill No. 173, of the House, to amend an act entitled an act to amend and revise an act to incorporate the several townships in the county of Dearborn ;

Bill No. 174, to attach an additional school district to congressional township No. 5 south, of range No. 8 west, in Warrick county ;

All of which bills were read a second time and ordered to a third reading on to-morrow.

Bill No. 175, of the Senate, to change the mode of selecting petit jurors in Lawrence county and for other purposes ;

Read a second time, and,

On motion of Mr. Carr of Lawrence,

Referred to a select committee.

Ordered, that Messrs. Carr of Lawrence, Blair and Morgan compose said committee.

Bill No. 194, of the House.

Bill No. 146, relative to exchange brokers ;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Nave moved to take from the table

Bill No. 114, reorganising the first judicial circuit and fixing the time of holding courts therein and for other purposes ;

Which motion did not prevail.

Mr. Watts moved to take from the table

Bill No. 93, to provide for the popular election of prosecuting attorneys, and for other purposes ;

Which motion did not prevail.

The Senate resumed the consideration of the question pending on adjournment, it being the adoption of the amendment as amended ;

Which was discussed at considerable length ; when,

On motion,

The Senate adjourned.

THURSDAY, JAN. 13, 1842.

The Senate assembled.

The President laid before the Senate the following communication from M. Morris, Esq., Auditor of Public Accounts :

AUDITOR OF STATE'S OFFICE,
Indianapolis, Jan. 11, 1842.

HON. SAMUEL HALL,

President of the Senate;

SIR : In answer to a resolution of the Senate, requesting the Auditor of Public Accounts to furnish the Senate with a list of the counties to which tract books have been sent, and also with a list of those to which tract books have not as yet been sent, &c., I have the honor to report, that tract books have been made out and transmitted to the following counties, viz.: Bartholomew, Boone, Brown, Carroll, Clinton, Crawford, Delaware, Decatur, Floyd, Fountain, Hancock, Hamilton, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Madison, Morgan, Montgomery, Orange, Parke, Putnam, Rush, Ripley, Shelby, Scott, Switzerland, Tippecanoe, Vermillion, Warren and Washington. The counties of Dearborn, Fayette, Franklin, Union, Randolph and Wayne are yet to be supplied with tract books.

Respectfully submitted,

M. MORRIS, A. P. A.

The President laid before the Senate the following communication from N. Noble, Esq., Fund Commissioner :

OFFICE OF FUND COMMISSIONER,
Indianapolis, January 12, 1842.

HON. SAMUEL HALL,

President of the Senate:

I lay before the Senate the appendix called for by the resolution of the Senate.

Respectfully,

N. NOBLE.

On motion of Mr. Stevenson,

Said communication was referred to the investigating committee.

The following message from the House of Representatives, received on yesterday, by Mr. Ritchey, a member, was taken up and read :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed the following bill :
No. 239, a bill for the relief of George Miller of Johnson county ;
In which I am directed to ask the concurrence of the Senate.

Said bill was read a first time, when,

On motion of Mr. Read,

The rules were suspended and the bill read a second and third times and passed.

Resolution of the Senate, in relation to the appointment of a bank director, contained in a message from the House of Representatives of yesterday, was taken up, and,

On motion of Mr. Stevenson,

Concurred in, as amended.

The following message was received from the House of Representatives by Mr. Brown, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to bills of the House, as follows, to wit :

No. 52, an act providing for the election of three school commissioners in township No. 14, north of range No. 7 west, in Parke county ;

No. 98, an act to authorize Nathan Kirk to build a bridge on the Michigan road ;

The House has passed the following engrossed bills of the Senate, without amendment, to wit :

No. 72, an act for the relief of the heirs of Robert Blair, deceased ;

No. 80, an act to amend certain acts therein named ;

No. 82, an act to change the mode of doing county business in the county of Daviess ;

No. 85, an act to legalize the election and official acts of the probate judge of Fulton county ;

No. 86, an act to extend the time of holding probate courts in the counties of Jefferson and Washington ;

No. 94, an act to legalize the election and official acts of John I. Deming, probate judge of the county of St. Joseph, Indiana ;

Also joint resolution of the Senate with one amendment, as follows :

No. 63, a joint resolution appointing an agent to examine the state and condition of the State Bank and each and every branch thereof ;

In which amendment I am directed respectfully to ask the concurrence of the Senate.

The House has further passed engrossed bills thereof as follows, to wit :

No. 125, an act to amend an act regulating the practice in suits at law," approved January 29, 1831 ;

No. 165, an act granting pre-emptions to settlers on lands selected for the Wabash and Erie canal ;

No. 181, an act concerning petit jurors in the counties of Greene, Daviess, Ripley, Adams, Jay and DeKalb ;

No. 185, an act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal, east of the mouth of Tippecanoe river ;

No. 188, an act to establish female district schools, in certain cases ;

No. 187, an act for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein ;

No. 200, an act to amend an act declaring Patoka a public highway and for other purposes ;

No. 179, an act to amend an act regulating the duties and jurisdiction of justices of the peace," approved February 17, 1838 .

In which bills I am instructed respectfully to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed the following enrolled bills of the House, to wit :

No. 52, an act providing for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county ;

Also the following enrolled bills of the Senate, to wit :

No. 35, an act to amend an act entitled "an act regulating the mode of doing county business in the several counties in this State," approved February 15, 1840 ;

No. 106, an act to amend the several acts now in force incorporating the Lawrenceburgh bridge company ;

Which bills I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Joint resolution No. 63, in said message as amended by the House, was taken up.

The question being on concurring in the aforesaid amendment,

The ayes and noes were demanded by Messrs. Stevenson and West :

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Carnan, Chamberlain, Davis, Dobson, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill and West.—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Collins, Egges-

ton, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright.—24.

So the amendment was not concurred in.

Bills of the *House* Nos. 125, 165, 181, 185, 188, 187, and 200, in said message were severally read a first time and ordered to a second reading on to-morrow.

Bill No. 179, of the *House*, in said message, read a first time, when

On motion of *Mr. Read*,

The rules were suspended, the bill read a second and third times and passed.

Mr. Chamberlain presented the petition of James Cook and others, stockholders in the Branch Bank of Indiana at South Bend, praying an act authorizing the State Bank to extinguish the nominal stock in said branch, and deliver up bonds, &c. ;

Which, on his motion, was referred to the committee on the State Bank.

REPORTS FROM STANDING COMMITTEES.

The Senate resumed the consideration of the question pending on adjournment, it being the amendment proposed by *Mr. Eggleston* to joint resolution No. 9, on the subject of a repeal of the existing duty on salt.

Mr. Shanks moved the previous question.

Mr. Chamberlain moved a call of the Senate ; which motion prevailed, and the Senators all present,

The question being on seconding the call for the previous question,

The ayes and noes were demanded by *Messrs. Morgan and Berry* :

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West.—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Corlett, Dobson, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright.—23.

So the call was not seconded.

On motion

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled and took up the

ORDERS OF THE DAY.

Bills on their third reading :

Bill No. 69, of the *House*, regulating the duties of clerks of the circuit court and county auditor ;

Bill No. 148, of the *House*, to change the time of holding the probate courts in Greene county ;

Bill No. 153, of the *House*, to authorize the appointment of a commissioner in Lebanon, Boone county ;

Bill No. 155, of the *House* to change a part of a certain state road in Greene county ;

Bill No. 157, of the *House*, to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county ;

Bill No. 158, declaring a certain name a misprint and for other purposes ;

Bill No. 161, to allow each county in the State to send two students to the State University ;

Bill No. 167, of the *House*, to locate a state road in Union and Franklin counties ;

Bill No. 173, of the *House* to amend an act entitled an act to incorporate the several townships in the county of Dearborn ;

Bill No. 174, of the *House*, to attach an additional school district to Congressional township No. 5, south of range No. 8 west, in Warrick county ;

Bill No. 66, to authorize the reception of that portion of the proceeds of the sales of public lands to which the State of Indiana is entitled, by virtue of an act of Congress entitled "an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved September 4, 1841 ;

Bill No. 146, relative to exchange brokers ;

Bill No. 104, to authorize agents of the surplus revenue and others, to dispose of lands by them bid off on behalf of the State ;

All of which bills were severally read a third time and passed.

BILLS ON THEIR SECOND READING.

Bill No. 206, of the *House*, for the relief of James R. McCord ;

Read a second time and referred,

On motion of *Mr. Chamberlain*, to a select committee.

Ordered, that *Messrs. Chamberlain, Nickel and Carr of J.*, compose said committee.

Bill No. 211, of the House, declaring a divorce in a certain case therein named and for other purposes;

Read a second time and referred,

On motion of Mr. Watts, to the judiciary committee;

Mr. Berry moved to reconsider the vote taken on referring the aforesaid bill to the judiciary committee;

Which motion did not prevail.

Bill No. 229 of the House, to incorporate the trustees of the La-porte University;

Read a second time and referred,

On motion of Mr. Chamberlain,

To the committee on corporations.

Bill No. 114—Reorganizing the first judicial circuit and fixing the times of holding courts therein and for other purposes;

Read a second time and referred,

On motion of Mr. Gregory,

To a select committee.

Ordered, that Messrs. Gregory, Harris, and Angle, compose said committee.

Mr. Herriman introduced

Bill No. 147—To amend an act entitled an act to incorporate the Indiana Manufacturing Company, app. Feb. 17, 1838;

Read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Baird,

The joint resolution "repealing the existing duty on salt" pending on adjournment, was laid on the table.

On motion of Mr. Baird,

The orders of business were suspended and leave granted him to report as follows:

Mr. PRESIDENT:

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives No. 140, for the relief of Hugh and Robert Stewart, have had the same under consideration and directed me to make two amendments thereto and recommend its passage:

1st amendment: add the following proviso to end of first section:

"*Provided*, That each arbitrator as aforesaid shall not receive exceeding three hundred and eighty dollars and execute receipts therefor to the proper authority."

2d amendment: to end of said proviso add the following proviso:

"*Provided further*, That the allowance made said Stewarts by this act is expressly upon the condition that said Stewarts have fully relinquished or will relinquish said contracts, and execute receipts to the proper authority for the payment in full of all claim or claims as aforesaid."

The report was concurred in, and,

On motion of Mr. Baird,

The rules were suspended and the bill read a third time and passed.

Mr. Cornett made the following report:

Mr. PRESIDENT:

The committee on federal relations to whom was referred joint resolution No. 57 of the House, in relation to the reduction of the price of the public lands in the State of Indiana, have had the same under consideration and directed me to report that legislative enactment on that subject at the present time, is in the opinion of the committee inexpedient, and the committee ask to be discharged from the further consideration of said joint resolution.

The report was concurred in, and,

The question being, shall the joint resolution be engrossed and read a third time now,

The ayes and noes were demanded by Messrs. Chamberlain and Moffatt:

Those who voted in the affirmative were,

Messrs. Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Miller, Nickel, Parks, Pitcher, Read, Roberts, Shanks, Tannehill, and West—19.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Sheets, Sinclear, Stevenson, Watts and Wright—28.

So the question on engrossment did not prevail.

Mr. Carnan made the following report:

Mr. PRESIDENT:

The committee on federal relations to which was referred resolution of the Senate No. 5, inquiring why the 13th article proposed by the second session of the 11th Congress as an amendment to the constitution was incorporated in the last revision of the laws of Indiana, as being a part of said constitution, have had the same under consideration and find that said 13th article has not as yet been ratified by the number of States required by the constitution of the United States to make it a part of said constitution, and have directed me to report the following joint resolution:

Joint resolution No. 148, ratifying the 13th article of the constitution of the United States.

Read a first time and ordered to a second reading on to-morrow.

Mr. Aker made the following report:

MR. PRESIDENT :

The committee on federal relations, to which was referred joint resolution of the House of Representatives respecting fugitives from justice, have had the same under consideration and have instructed me to make the following report :

The several governments in this confederacy are limited sovereignties—that is, under the federal constitution the General Government is vested with certain specified powers. In the exercise of those powers that government is sovereign, and it is not competent for the States to legislate on any subject, the control of which is, by the constitution of the United States, surrendered to the General Government; consequently, any act of a State Government, trenching upon the powers thus surrendered, would be a nullity, and the citizens of other States, as well as the citizens of such State, would have a perfect right to treat them as such. If, for instance, the government of any State should enact a law contrary to a treaty with a foreign power, made by the United States, under the constitution thereof, such law would be void, because the constitution of the United States and the laws and treaties made in pursuance thereof, are the supreme law of the land. Under the express surrender of certain functions of sovereignty, it is not competent for the States to reclaim and exercise them. Entertaining these views, the committee consider the language of the first resolution as too broad, inasmuch as it asserts, "that each of the United States has a right to declare what acts committed within its borders shall be held as felonies and crimes, and punished as such." They have therefore instructed me to report said joint resolution back to the Senate with the following amendments and recommend its passage after being thus amended.

The amendments, as reported, were adopted, and the joint resolution,

On motion of Mr. Elliott,
Laid on the table.

Mr. Cornett made the following report :

MR. PRESIDENT :

The committee on federal relations, to which was referred the petition of Leonard & Phelps of Jefferson county, Indiana, in relation to the three per cent. fund, have had the same under consideration, and after bestowing that deliberation upon the subject which its great importance demands, have directed me to report, that although the subject is one of vast interest to the citizens of the State in general, as well as to the petitioners in particular, yet, such are the overwhelming embarrassments of the State in relation to all her moneyed affairs at the present time, that the committee feel constrained to confess that no remedy suggests itself whereby the grievance complained of can be either relieved or mitigated. Therefore, the committee ask (though

not without reluctance) to be discharged from the further consideration of said petition.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Read made the following report :

MR. PRESIDENT :

The committee on federal relations, to whom was referred a joint resolution from the House of Representatives, relative to the Green River Island, have had the same under consideration, and think it inexpedient to legislate on that subject, at this time, and request that the joint resolution be laid upon the table.

The report was concurred in and the joint resolution laid upon the table.

Mr. Chamberlain moved to take from the table the joint resolution offered by Mr. West on the subject of the repeal of the duty on salt ; Which motion did not prevail.

Mr. Stevenson made the following report :

MR. PRESIDENT :

The committee on education, to which was referred the petition of C. F. White, Thomas Hargrove and Conrad Coleman, have, according to order, had the same under consideration, and have directed me to report legislation on that subject inexpedient, and ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged from the further consideration of the subject.

Mr. Foster made the following report :

MR. PRESIDENT :

The committee on education, to which was referred bill No. 118, of the House of Representatives, entitled a bill to prevent the forfeiture of school lands, and for other purposes, have, according to order, had that subject under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Carr of Jackson made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred a bill of the Senate No. 138, entitled a bill to amend an act entitled an act for the incorporation of county libraries, approved February 17, 1838, have, according to order, had the same under consideration, and have directed me to report it back to the Senate with two amendments, and

with said amendments the committee recommend the passage of the bill.

Amendments.—After the word "appoint," in the first section, strike out "seven" and insert "five;" and to the end of the first section add these words: "three of whom shall form a quorum."

The report was concurred in as amended.

Mr. Sands moved to amend by excepting the county of Orange from the provisions of the bill;

Which motion prevailed; and,

On motion of Mr. Nickel,

The county of Shelby was also excepted.

And the bill as amended ordered to be engrossed for a third reading on to-morrow.

Mr. Wright made the following report:

MR. PRESIDENT:

The standing committee on education, to whom was referred the petition of Hiram Mendenhall of Randolph county, have had the same under consideration, and directed me to report, that the county commissioners, under the present laws, have power to make an additional allowance, as asked for by [the] petitioner, and that it is inexpedient to legislate upon the other subjects in said petition prayed for, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Carr of Lawrence made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred the petition of H. Hanna, have according to order had the same under consideration and directed me to report a bill in accordance with the prayer of said petitioner and recommend its passage.

Bill No. 149—To amend an act relating to public roads and highways app. Feb. 17, 1838;

Read a first time, and passed to a second reading on to-morrow.

Mr. Bright made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred a joint resolution of the House, providing for the sale of the six chain reservation of lands bordering on the Wabash and Erie canal (No. 90) have had that subject under consideration and directed me to report the following bill and recommend its passage.

Bill No. 153—Authorizing the sale of the six chain reservation of land bordering on the Wabash and Erie canal;

Read a first time, and passed to a second reading.

Mr. Watts made the following report:

MR. PRESIDENT:

The standing committee on agriculture to which was referred a resolution of the Senate on the subject of advertising estrays have had the subject of said resolution under consideration and are unanimous of the opinion that the present law on the subject is amply sufficient (if complied with) to give all the publicity to the taking up estrays that is necessary; and ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged from the further consideration of the subject.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The standing committee on corporations to whom was referred a bill to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, app. Feb. 24, 1840, have had that subject under consideration, and in as much as it proposes to curtail some of the powers of that corporation, report the same back without amendment and recommend its passage.

The bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The standing committee on corporations to whom was referred a bill to amend an act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8th, 1836, have had that subject under consideration, and report the same back with one amendment and recommend its passage, to-wit:

Add to the bill the following:

"And shall be subject to amendment or repeal at the pleasure of the Legislature."

The report was concurred in and the bill as amended was,

On motion of Mr. Cornett,

Laid on the table.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The standing committee on corporations to which was referred an act relating to the jurisdiction of justices of the peace in actions by and against corporations, have had that subject under consideration and report the same back without amendment and recommend its passage.

On motion of Mr. Waupole,

The bill was amended as follows:

"The jurisdiction of justices of the peace in all actions on the case founded in tort, shall be extended to the amount of fifty dollars, except such cases as are now exempt by the law entitled, an act regulating the jurisdiction and duties of justices of the peace, approved February 27, 1838."

The bill as amended was ordered to be engrossed for a third reading.

Mr. Harris made the following report:

MR. PRESIDENT :

The standing committee on corporations to which was referred a bill to revive and amend an act therein named, have had that subject under consideration and have directed me to report the same back and recommend its passage, with one amendment, to-wit:

Add to the last section the following:

"This act and the act to which this is amendatory may be amended or repealed at the pleasure of the Legislature."

The report was concurred in and the bill ordered to a third reading.

Mr. Baird made the following report:

MR. PRESIDENT :

The select committee to whom was referred the petition of Abram R. Harper, Powers Green and Samuel Witter, asking for power to sell a certain town lot in South Bend, Indiana, which was purchased for seminary purposes, have had the same under consideration and directed me to report the following bill in accordance with said petition.

Bill No. 150, giving certain authority to seminary trustees of the county of St. Joseph;

Read a first time and passed to a second reading.

Mr. Morgan made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of sundry members of the Lawrenceburgh and Indianapolis Railroad Company, have had the same under consideration and have directed me to report the following bill and recommend its passage:

Bill No. 151, to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Company;

Read a first and second times, the rules having been dispensed with (on motion of Mr. Watts) for that purpose, and referred to the committee on canals and internal improvements.

Mr. Reeve made the following report:

MR. PRESIDENT :

The select committee to whom were referred the petitions and proceedings of sundry citizens of Rush and Grant counties, have according to order had the same under consideration, and have instructed me to report the following bill:

Bill No. 152, to amend an act entitled an act supplemental to an act subjecting real and personal estate to execution, approved January 8, 1842;

Read a first time, when,

On motion of Mr. Baird,

The rules were suspended and the bill read a second time.

Mr. Harris moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Carnan and Dobson:

Those who voted in the affirmative were,

Messrs. Angle, Baird, Blair, Bradley, Burke, Chamberlain, Collins, Elliott, Everts, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Mount, Nave, Nickel, Parker, Read, Roberts, Shanks and Sheets—24.

Those who voted in the negative were,

Messrs. Aker, Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Cornett, Davis, Dobson, Foster, Herriott, Kinzer, Moffatt, Morgan, Parks, Pitcher, Reeve, Sands, Sinclear, Stevenson, Tannehill, Walpole, Watts, West and Wright—25.

So the motion to lay on the table did not prevail.

Mr. Chamberlain moved to refer said bill to the judiciary committee.

The ayes and noes were demanded by Messrs. Reeve and Dobson:

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Elliott, Everts, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Nave, Nickel, Parker, Parks, Read, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, and Watts—35.

Those who voted in the negative were,

Messrs. Aker, Carnan, Davis, Dobson, Foster, Herriott, Moffatt, Morgan, Pitcher, Reeve, Sinclear, Walpole, West and Wright—14.

So the bill was referred.

Mr. Carnan made the following report:

Mr. President:

The select committee to which was referred bill of the House, exempting the members of the Vincennes Fire Company from working on roads, have had the same under consideration and report the same back with the following amendments and request its passage when so amended:

Strike out 'the' before 'members' in second line and insert 'those' and in the third line, after 'company' insert 'who do not own real estate in the borough of Vincennes.'

The report was concurred in and the bill as amended ordered to be engrossed for a third reading on to-morrow.

Mr. Harris made the following report:

Mr. President:

The select committee to which was referred an engrossed bill of the House of Representatives,

No. 44—A bill for the relief of the borrowers of the surplus revenue and other funds,

With instructions to strike out all of said bill that relates to the reduction of interest on college and common school funds, and the funds of chartered colleges and seminaries, have had the same under consideration, and in accordance with their instructions have made the following amendments, in which they ask the concurrence of the Senate, and upon the adoption of the amendments they recommend the passage of the bill:

1st amendment:

In the second line of the second section, after the word "loans" insert the words "except loans from the surplus revenue, college and school funds."

2d amendment:

In the fourth line of the fourth section after the words "funds" insert the words "except the surplus revenue, college and school funds."

3d amendment:

At the end of the first section, reported by a former select committee of the Senate as an additional section to the bill of the House, insert the following proviso:

"Provided, That nothing in this section shall be so construed as to affect the present rate of interest on the surplus revenue, college and common school funds."

4th amendment:

In the eighth line of the second section reported by the select committee of the Senate as an additional section to the bill, strike out the word "six" and insert "eight."

5th amendment:

Insert the following as an additional section:

Sec. —. All funds belonging to chartered colleges and seminaries

are hereby exempted from the provisions of this act, so far as they relate to the reduction of the rate of interest heretofore allowed to be received.

Mr. Gregory moved to concur in said report with the following amendment:

Add after the words "surplus revenue," in the amendment where ever it occurs, the words "which is loaned out by agents in the respective counties."

Mr. Harris moved to lay the proposed amendment on the table.

Which motion prevailed.

Mr. Herriman moved to amend as follows:

"That nothing in this act shall be so construed as to effect contracts made prior to the passage of this act."

On motion of Mr. Harris,

Said amendment was laid on the table.

Mr. Sands moved to lay the bill and amendments on the table.

The ayes and noes were demanded by Messrs. Harris and Dobson:

Those who voted in the affirmative were,

Messrs. Blair, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Gregory, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Mount, Parker, Reeve, Roberts, Sands and Watts—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Burke, Carnan, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Read, Shanks, Sheets, Sinclear, Tannehill, Walpole, West and Wright—30.

So the motion did not prevail.

Mr. Chamberlain moved to amend by excepting the moneys belonging to the sinking fund.

Which motion did not prevail.

The question recurring on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Herriman and Morgan:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Cornett, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Pitcher, Shanks, Sheets, Sinclear, Stevenson, Tannehill Walpole, Watts and Wright—32.

Those who voted in the negative were,

Messrs. Burke, Collins, Eggleston, Elliott, Gregory, Hoover of Tippecanoe, Hoover of Wayne, Mount, Parker, Parks, Read, Reeve, Roberts, Sands and West—15.

So the report was concurred in.

Mr. Baird moved to amend as follows:

SEC. —. So much of the 2d section of the act entitled an act regulating the interest of money in the State of Indiana, approved Feb. 1, 1831, as allows a higher rate of interest than 6 per centum per annum, be, and the same is hereby repealed."

The question being on its adoption,

The ayes and noes were demanded by Messrs. Baird and Dobson:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Burke, Carnan, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, West and Wright—30.

Those who voted in the negative were,

Messrs. Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Mount, Parker, Read, Reeve, Roberts, Sands and Watts—18.

So the amendment was adopted.

Mr. Dobson moved to suspend the rules and read the bill a third time now.

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Burke, Carnan, Davis, Dobson, Everts, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole and Wright—27.

Those who voted in the negative were,

Messrs. Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Foster, Gregory, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Mount, Parker, Read, Reeve, Roberts, Sands, Watts and West—21.

So the rules were suspended and the bill read a third time.

Mr. Stevenson moved to recommit the bill to a select committee with instructions "to exempt the sinking fund from the provisions of the bill so far as a reduction of interest is concerned."

Mr. Harris moved to lay the motion to recommit and instructions on the table.

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carnan, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright—27.

Those who voted in the negative were,

Messrs. Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Gregory, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Parker, Read, Reeve, Roberts, Sands, Stevenson, Watts and West—22.

So the motion to lay on the table prevailed.

Mr. Baird moved the previous question.

Mr. ——— moved that the Senate now adjourn.

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Gregory, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Mount, Parker, Reeve, Roberts, Sands, Stevenson, Watts and West—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carnan, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Read, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright—29.

So the motion did not prevail.

The question being on seconding the call for the previous question, The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Burke, Carnan, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright—25.

Those who voted in the negative were,

Messrs. Berry, Bradley, Bright, Carr of J., Carr of L., Chamberlain,
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Collins, Cornett, Eggleston, Elliott, Gregory, Herriman, Hoover of T., Hoover of W., Morgan, Mount, Parker, Read, Reeve, Roberts, Sands Stevenson, Watts and West.—24.

So the call of the previous question was seconded by a majority of the Senate.

The question being shall the main question be now put ;

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carnan, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright.—28.

Those who voted in the negative were,

Messrs. Bradley, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Eggleston, Elliott, Gregory, Herriman, Hoover of T., Hoover of W., Mount, Parker, Read, Reeve, Roberts, Sands, Stevenson, Watts and West.—21.

So the motion was decided in the affirmative.

The main question being shall the bill pass;

Mr. Elliott moved that the Senate now adjourn.

The President decided the motion to be out of order, when Mr. Elliott appealed from said decision.

The question then being shall the decision of the chair stand as the judgment of the Senate,

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carnan, Collins, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Read, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, West and Wright.—34.

Those who voted in the negative were,

Messrs. Bradley, Carr of J., Carr of L., Chamberlain, Cornett, Eggleston, Elliott, Gregory, Hoover of T., Hoover of W., Mount, Parker, Reeve and Watts.—14.

So the Senate sustained the decision of the chair.

Mr. Collins moved to reconsider the vote taken on sustaining the decision of the chair.

Mr. Harris moved to lay said motion on the table.

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carnan, Davis, Dobson, Eggleston, Everts, Foster, Harris, Hatfield, Herriman, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, Watts and Wright.—32.

Those who voted in the negative were,

Messrs. Bradley, Carr of J., Carr of L., Collins, Cornett, Elliott, Gregory, Hoover of T., Hoover of W., Mount, Parker, Read, Reeve, Sands and West.—15.

So the motion was laid on the table.

The question being on the passage of the bill

The ayes and noes were demanded by Messrs. ———

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carnan, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole, West and Wright.—29.

Those who voted in the negative were,

Messrs. Carr of J., Cornett, Read, Reeve and Stevenson.—5.

So the bill was passed.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills, report that they did, on this day, present to his excellency the Governor for his approval and signature, the following enrolled bills of the Senate, to wit :

No. 12, an act to amend an act entitled "an act to regulate the taking up of animals going astray and water crafts and other articles of value adrift," approved February 15, 1841 ;

No. 25, an act to legalize the election of Mason Palmer, formerly justice of the peace of Daviess county ;

No. 43, an act to amend an act relating to county seminaries, approved February 17, 1838 ;

No. 48, an act for the relief of Samuel D. Gresham, collector of Carroll county ;

No. 83, an act to repeal the state board of equalization ;

Also the following enrolled bills and joint resolutions of the House of Representatives, to wit :

No. 78, an act supplemental to the act entitled "an act providing

for the selecting, rating and selling lands yet due on the Wabash and Erie canal, east of the mouth of Tippecanoe river, and for other purposes," approved February 24, 1840;

No. 123, an act fixing the time of holding circuit courts in the 9th judicial circuit;

No. 138, an act for the relief of the heirs and legal representatives of Martha Wilson, deceased.

No. 139, an act to legalize an election held in Jackson township, in Putnam county;

No. 199, a joint resolution to suspend the operation of a certain law therein named.

The committee have also compared the following enrolled with the engrossed bills of the House of Representatives, to wit:

No. 42, an act to abolish imprisonment for debt;

No. 137, an act to legalize the official acts of the probate judge in Wells county;

And have found the same correctly enrolled.

Mr. Pitcher from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have this day presented to the Governor for his approval and signature the following enrolled bills of the Senate, to wit:

No. 35, an act to amend an act entitled an act regulating the mode of doing county business in the several counties in this State, approved February 15, 1840;

No. 106, an act to amend the several acts now in force incorporating the Lawrenceburgh bridge company;

Also the following bill originating in the House of Representatives, to wit:

No. 52, an act providing for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor for his approval and signature, the following enrolled bills of the House of Representatives, to wit:

No. 42, an act to abolish imprisonment for debt;

No. 137, an act to legalize the official acts of William Wallace, probate judge of Wells county.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has on this day, approved and signed the following acts:

No. 106, an act to amend the several acts now in force incorporating the Lawrenceburgh bridge company;

No. 35, an act to amend an act entitled "an act regulating the mode of doing county business in the several counties in this State," approved February 15, 1840;

No. 12, an act to amend an act entitled "an act to regulate the taking up of animals going astray and water crafts and other articles of value adrift," approved February 15, 1841.

No. 25, an act to legalize the election of Mason Palmer, formerly a justice of the peace in Daviess county;

No. 43, an act to amend an act relating to county seminaries, approved February 17, 1838;

No. 48, an act for the relief of Samuel D. Gresham, collector of Carroll county;

No. 83, an act to repeal the state board of equalization;

All of which originated in the Senate.

On motion

The Senate adjourned.

FRIDAY, JAN. 14, 1842.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Brown their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the House, to-wit:

No. 42, an act to abolish imprisonment for debt;

No. 137, an act to legalize the official acts of William Wallace, probate judge of Wells county;

Which I am instructed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

I am further directed to inform the Senate that the House insists on its amendment to joint resolution of the Senate, entitled as follows, to-wit:

No. 63, a joint resolution appointing an agent to examine the state and condition of the State Bank and each and every Branch thereof.

Mr. Read moved that the Senate recede from its disagreement to the amendment of the House to the aforesaid joint resolution.

The ayes and noes were demanded by Messrs. Chamberlain and West.

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herri-
man, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Pitcher, Read,
Sinclear, Tannehill, Walpole and West—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Collins, Cornett,
Eggleston, Elliott, Gregory, Herriott, Hoover of Tippecanoe, Moffatt,
Morgan, Mount, Nave, Parker, Reeve, Sands, Shanks, Sheets, Ste-
venson, Watts, and Wright—25.

So the motion did not prevail.

Mr. Baird moved that the Senate insist upon their disagreement to the amendment of the House to the aforesaid joint resolution.

Mr. Chamberlain moved a call of the Senate;

Which motion did not prevail.

The question recurring on the motion of Mr. Baird to insist,

The ayes and noes were demanded by Messrs. Baird and Eggleston.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bradley, Burke, Collins, Cornett,
Eggleston, Elliott, Gregory, Herriott, Hoover of Tippecanoe, Miller,
Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Shanks, Sheets,
Stevenson, Watts and Wright—26.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan,
Chamberlain, Davis, Dobson, Everts, Foster, Harris, Hatfield, Herri-
man, Hoover of Wayne, Kinzer, Nickel, Parks, Pitcher, Read, Sinclear,
Tannehill, Walpole and West—23.

So the motion prevailed.

On motion of Mr. Baird,

A committee of free conference on the part of the Senate was ap-
pointed to act in conjunction with a similar committee on the part of
the House to take into consideration the subject matter of disagree-
ment.

Ordered, that Messrs. Baird and Eggleston compose said committee.

The following message was received from the House of Represen-
tatives by Mr. Brown, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Se-
nate that they have passed the following bill:

No. 215, a bill for the relief of Samuel H. Bratton;

In which the concurrence of the Senate is respectfully requested.
Read a first time, when,

On motion of Mr. Walpole,

The rules were suspended and the bill read a second and third
times and passed.

The following message was received from the House of Representa-
tives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate
that the House has concurred in the amendment of the Senate to bill
of the House No. 116, entitled,

An act supplemental to an act entitled an act to provide for the re-
vision of the laws, approved February 4, 1841, with one amendment;

In which I am directed respectfully to ask the concurrence of the
Senate.

The House has passed the following engrossed bill thereof, to-wit:

No. 184, an act to authorise John Callahan to build a bridge across
the mouth of Tanners' creek in Dearborn county;

In which the concurrence of the Senate is respectfully requested.

Bill No. 116, of the House, in said message, was taken up.

Mr. Walpole moved that the Senate disagree to the amendment of
the House to said bill as amended;

Which motion did not prevail.

The Senate thereby concurred in said amendment.

Bill No. 184, of the House, in said message;

Read a first time; when,

On motion of Mr. Watts,

The rules were suspended, the bill read a second time and referred
to the committee on corporations.

The following message was received from the House of Representa-
tives by Mr. Brown, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Se-
nate that the House has passed an engrossed bill of the House of Re-
presentatives entitled,

An act to amend an act relative to crime and punishment, approved
February 10, 1831;

In which the concurrence of the Senate is respectfully requested.

Said bill was read a first time, when

Mr. Baird moved that the rules be suspended and the bill read a second time now;

Which motion did not prevail.
The bill was then ordered to a second reading on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Cornett made the following report:

MR. PRESIDENT:

The select committee to which was referred bill No. 139, of the Senate, providing for an extension of the time of holding courts in the county of Ripley and to regulate the times of holding courts in the counties of Franklin and Ripley, have had the same under consideration, and directed me to report as follows: strike out from the enacting clause and insert in lieu thereof the following and recommend its passage.

Said substitute was ordered to be engrossed for a third reading on to-morrow.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of certain citizens of Elkhart county, praying for an act authorising the county board to appoint trustees of the county library of said county, have had that subject under consideration, and recommend the passage of the bill providing for a general law in accordance with the prayer of said petitioners, heretofore presented to the Senate, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Mount made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill of the House No. 11, authorising the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation, have had the same under consideration and have made two amendments thereto, in which they ask the concurrence of the Senate, and recommend the passage of the bill as amended.

Mr. Chamberlain moved to amend as follows:

Provided, That no five dollar treasury note or notes, provided for in this act, shall be paid in redemption of fifty dollar treasury notes till the person or persons holding such fifties shall make oath as to the precise amount at which he purchased or came into possession of such fifty dollar treasury note or notes; and such amount shall be the price at which all such notes shall be redeemed.

On motion,
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Nave,

The orders of business were dispensed with and leave granted him to present the petition of Thomas Irons and John Miles, praying for an allowance for services due on the public works:

Which, on his motion, was referred to the committee on canals and internal improvements.

On motion of Mr. Mount,

The vote on the indefinite postponement of the bill of the House No. 66, for the relief of William McClure of Franklin county, was reconsidered.

The question being on the indefinite postponement of said bill, Mr. Mount withdrew the motion; and on his motion was amended as follows:

After the word "Minerva," in the sixth line, insert the following: "Upon the ground of abandonment, although said abandonment has not been for the term of two years, or upon any other good cause being shown."

The bill as amended was then read a third time (the rules having been dispensed with for that purpose) and passed.

On motion of Mr. Watts,

Bill No. 143—To amend an act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, app. Feb. 8, 1836,

Was taken from the table and ordered to be engrossed for a third reading on to-morrow.

Bill No. 29 of the House, to revive and amend an act therein named;

Read a third time and passed.

Bill No. 32—Relating to the jurisdiction of justices of the peace in actions by and against corporations;

Read a third time and passed.

On motion of Mr. Berry,

The orders of business were suspended, and the following message from the House of Representatives by Mr. Gorman a member, was taken up:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed

bill thereof, No. 259 entitled a bill for the relief of William Alexander in which they respectfully ask the concurrence of the Senate.

Said bill was read three several times (the rules having been dispensed with for that purpose) and passed.

On motion of Mr. Parks,

The orders of business were suspended and leave granted him to introduce the following bill:

Bill No. 154—For the relief of borrowers of the loan office funds;

Read a first time, when

On motion of Mr. Walpole,

The rules were suspended, the bill read a second and third times, and passed.

Bill No. 194—Exempting the Vincennes Fire Company from working roads;

Bill No. 98—To amend an act entitled "an act to incorporate the city of Richmond, Wayne county, Indiana, app. Feb. 24, 1840;

Both of which bills were read a third time and passed.

Bill No. 138—To amend an act entitled an act for the incorporation of county libraries app. Feb. 17, 1838;

Read a third time, when

On motion of Mr. Cornett,

The bill was by unanimous consent amended as follows:

If any trustee shall fail to attend two consecutive regular meetings of the board without satisfactory excuse in writing delivered at the next meeting thereafter, his seat shall be *ipso facto* vacant.

The question being,

Shall the bill as amended pass?

It was decided in the affirmative.

BILLS ON THEIR SECOND READING.

Bill No. 147—To amend an act entitled an act to incorporate the Indiana Manufacturing Company, app. Feb. 17, 1838;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolution ratifying the 13th article of the Constitution of the United States;

Read a second time.

Mr. Moffat moved to amend by adding the following:

So far as the State of Indiana is concerned.

Mr. Mount moved that said resolution and pending amendment be laid on the table;

Which motion did not prevail.

The question recurring on the proposed amendment of Mr. Moffat;

It was decided in the negative.

On motion of Mr. Eggleston,

The joint resolution was amended as follows:

And that the Governor be requested to send copies of the present joint resolution to each of the Governors of the several States of the

Union, to be laid before the respective Legislatures of said States.

The joint resolution was then ordered to be engrossed for a third reading on to-morrow.

Bill No. 149—To amend an act entitled an act relating to public roads and high ways, app. Feb. 17, 1838;

Read a second time and ordered to be engrossed for a third reading.

Bill No. 150—Giving certain authority to seminary trustees of the county of St. Joseph;

Read a second time, when

On motion of Mr. Baird,

The rules were suspended, the bill read a third time and passed.

Bill No. 153—Authorizing the sale of the sixth chain reservation of land, bordering on the Wabash and Erie canal;

Read a second time, when

Mr. Blair moved to refer said bill to a select committee;

Mr. Mount moved to instruct as follows:

That any one bidding for said land and not complying, the land so offered shall in no case be hereafter sold for a less price than such bid.

On motion of Mr. Moffatt,

Said instructions were laid on the table.

The question recurring on referring to a select committee, it was decided in the affirmative and so referred.

Ordered, that Messrs. Blair, Wright and Harris compose said committee.

Bill No. 125, of the House, to amend an act regulating the practice in suits at law, approved January 29, 1831;

Read a second time, and,

On motion of Mr. Wright,

Referred to the committee on finance.

Bill No. 181, of the House, concerning petit jurors in the counties of Greene, Ripley, Adams, Jay and De Kalb;

Read a second time, when,

On motion of Mr. Herriman,

The county of De Kalb was struck out from the provisions of the bill.

On motion of Mr. Sands,

The county of Crawford was inserted, and,

On motion of Mr. Bradley,

The county of Parke.

The bill as amended was ordered to a third reading on to-morrow.

Bill No. 185, providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie canal, east of Tippecanoe river;

Read a second time, when

Mr. Morgan moved to refer said bill to the committee on finance;

Which motion did not prevail.

On motion of Mr. Herriman,

Said bill was referred to the committee on canals and internal improvements.

Bill No. 187, of the House, for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein ;

Read a second time, and,

On motion of Mr. Berry,

Referred to a select committee.

Ordered, That Messrs. Berry, Hatfield and Morgan compose said committee.

Bill No. 188, of the House, to establish female district schools in certain cases ;

Read a second time, and,

On motion of Mr. Herriman,

Referred to the committee on education.

Bill No. 200, of the House, to amend an act declaring Patoka a public highway and for other purposes ;

Read a second time and passed to a third reading on to-morrow.

Joint resolution No. 90, to sell the sixth chain reservation, was taken up, and,

On motion of Mr. Bright,

Laid on the table.

The following message was received from the House of Representatives by a member :

MR. PRESIDENT :

I am instructed by the House to inform the Senate that they have passed an engrossed bill of the Senate No. 154, entitled a bill for the relief of borrowers of the loan office fund in the State of Indiana, without amendment.

The following message was received from the House of Representatives by Mr. Montgomery, a member :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has appointed Messrs. Henley and Garrigus a committee of free conference on the part of the House to act with a similar committee appointed on the part of the Senate to take into consideration the disagreement of the Senate to amendment of the House to joint resolution of the Senate, "appointing an agent to examine the State Bank and each and every Branch thereof."

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations, to which was referred a bill to incorporate the Martinsville band of Musicians, have had that subject under consideration, and report the same back to the Senate and re-

commend its passage, with one amendment, to-wit: add to the last section the following: "And shall be subject to amendment or repeal at the pleasure of the Legislature."

The report was concurred in, the amendment ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred a bill of the House to revive an act entitled an act to incorporate the town of Mooresville in Morgan county, have had that subject under consideration, and report the same back and recommend its passage, with one amendment, to-wit, add to the end of the bill the following :

"And shall, together with the act to which this is an amendment, be subject to amendment and repeal at the pleasure of the Legislature."

The report was concurred in, the amendment ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations, to which was referred an engrossed bill of the House, to incorporate the Eel river bridge company, and also an engrossed bill of the House to incorporate the Muncietown and Fort Wayne railroad company, have had those subjects under consideration, and as both of said bills contain provisions for their amendment or repeal at the pleasure of the Legislature, they are reported back without amendment and their passage recommended.

The report was concurred in, the amendments ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Collins made the following report :

MR. PRESIDENT :

The standing committee on corporations, to which was referred a petition of certain citizens of the county of Floyd, praying for the incorporation of a Theological Seminary, for the purpose of educating young men for the Gospel ministry, in the city of New Albany and county aforesaid, have had that subject under consideration, and report a bill in accordance with the prayer of the petitioners and recommend its passage.

Bill No. 154, to incorporate the trustees of the New Albany Theological Seminary ;

Read a first time and passed to a second reading on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations, to which was referred a bill of the House to amend an act entitled an act amendatory to the charter of Michigan city, approved February 15, 1841, have had that subject under consideration, and recommend its passage with one amendment, to-wit, add to the third section the following :

" And is subject to amendment or repeal at the pleasure of the Legislature."

The report was concurred in, the amendment ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The standing committee on corporations, to which was referred a bill of the House to incorporate the trustees of the Laporte University, have had that subject under consideration, and report the same back to the Senate, and although by its provisions it confers on said company perpetual succession, yet as it may be amended or repealed at the pleasure of the Legislature, that provision is not deemed an insuperable objection to its passage without amendment.

The report was concurred in, the amendment ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The standing committee on corporations, to whom was referred an engrossed bill for the relief of the members of the fire company No. 1, in the town of Fort Wayne, have had that subject under consideration, and have directed me to report the same back to the Senate and recommend its passage, with one amendment, to-wit, add to the end of the bill the following :

" This act may be amended or repealed at the pleasure of the Legislature."

The report was concurred in, the amendment ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Bright made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred bill of the House No. 124, entitled a bill to incorporate the Wabash bridge company in the county of Huntington, have had that subject under consideration, and directed me to report the same back to the Senate without amendment and recommend the passage of the bill.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Baird made the following report :

MR. PRESIDENT :

The select committee to whom was referred the petitions and remonstrances of numerous citizens on the subject of restricting justices of the peace in civil cases to their respective townships in the county of St. Joseph, have had the same under faithful examination, and find that the aggregate number of remonstrators exceed the aggregate number of said petitioners. Your committee expect that the people of St. Joseph, as well as any other portion of the citizens of this State, believe in and cherish the republican doctrine, that the majority should govern ; for the present, therefore, they ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The select committee to whom was referred a bill of the House for the relief of James R. McCord, have had that subject under consideration and report it back without amendment and recommend its passage.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Collins made the following report :

MR. PRESIDENT :

The select committee to which was referred bill of the House No. 141, entitled an engrossed bill to provide means for placing the Silver creek between New Albany and Jeffersonville in a passable condition, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Mr. Herriman moved to lay the bill on the table ;

Which motion did not prevail ; when,

On motion of Mr. Carnan,

Said bill was indefinitely postponed.

Mr. Herriott made the following report :

MR. PRESIDENT :

The select committee to whom was referred the petition of sundry citizens of the town of Edinburgh, have had the same under consideration and have instructed me to report a bill in accordance with the prayer of the petitioners.

Bill No. 155, to vacate certain lots in the town of Edinburgh, John son county ;

Read a first time and passed to a second reading on to-morrow.

Mr. Elliott made the following report :

MR. PRESIDENT :

The select committee to which was referred a bill of the Senate, No. 134, a bill amendatory to an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838, have had the same under consideration, and made one amendment thereto ; in which the concurrence of the Senate is requested.

The report was concurred in, the amendment ordered to be engrossed, and the bill as amended read a third time on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The select committee to whom was referred a petition of the citizens of the counties of Adams and Wells, on the subject of printing a sufficient number of copies of the laws hereafter to be passed in the German language, have had that subject under consideration, and having bestowed upon it that attention which its importance demands, are unanimously of the opinion that many weighty reasons demand that the prayer of the petitioners should be granted, while they can conceive of no valid objection that can be urged against it.

It is a source of proud satisfaction to your committee that among our most worthy and meritorious fellow-citizens, so great a portion of them are either native Germans, or of German descent, characterized by their industry, their sobriety and patriotic devotion to our institutions.

Among other reasons that may be urged in favor of the prayer of your petitioners, your committee would state, *First*, that in many of the counties of this State our German fellow-citizens have settled in large communities, constituting indeed much the larger portion of the citizens of entire townships ; a truly commendable and just pride in the use and preservation of their native language, as well as considerations of convenience, have induced them to continue to speak and teach it to their children. Many of the most prominent, enterprising and literary citizens amongst them, though good German scholars, can hardly, if at all, read or write our language. The consequences to them of this state of things is that they are virtually disfranchised from holding many of the numerous offices, constituted and necessary for the proper administration of our laws, to which, in common with all others, they are subject.

Secondly, Your committee would recommend the adoption of this measure as one means of encouraging the cultivation of the German language—as one important branch of the literature of the country ;

while so great a portion of our fellow-citizens speak the German language. Why, your committee would ask, under the view above taken of the subject, should not that language be cultivated and encouraged among us, while the French and other languages, comparatively useless in the ordinary avocations and practical purposes of life, at so much expense are made to constitute an essential branch of education in our institutions of learning.

Thirdly, Your committee believe it to be the true policy of every State by the equality and justice of her laws, to encourage emigration, thereby increasing her population and strength, her wealth and industry, and the developements of her resources. What stronger inducement, your committee would ask, can be held out to German emigrants to come and settle within our borders ? Either native Germans or their descendants in any part of the country would be induced to leave a State whose laws they cannot read, and become citizens of a State whose laws they *can* read.

Believing that every consideration of justice, expediency, policy and patriotism demands it, your committee unanimously recommend the the passage of the bill herewith reported.

E. M. CHAMBERLAIN, }
JOSEPH SINCLEAR, } *Committee.*
D. B. HERRIMAN, }

Bill No. 156, to provide for printing one thousand copies of the laws of the State in the German language ;

Read a first time and passed to a second reading on to-morrow.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the Senate to wit :

No. 29, an act for the relief of certain persons therein named ;

No. 56, an act to provide for selecting petit jurors in Hendricks county and for other purposes ;

No. 72, an act for the relief of the heirs of Robert Blair, deceased ;

No. 80, an act to amend certain acts therein named ;

No. 82, an act to change the mode of doing county business in the county of Daviess ;

No. 85, an act to legalize the election and official acts of the probate judge of Fulton county ;

No. 86, an act to extend the time of holding probate courts in the counties of Jefferson and Washington ;

No. 118, an act to change the name of Austin Bush ;

Also the following enrolled with the engrossed bills of the House of Representatives, to wit :

No. 98, an act to authorize Nathan Kirk to build a bridge on the Michigan road;

No. 111, an act changing the mode of doing county business in the county of Clay;

No. 115, an act declaring the road from Winslow in Pike county to Booneville in Warrick county a state road;

No. 127, an act to amend "an act pointing out the mode of levying taxes," approved February 12, 1841;

No. 132, an act to amend an act entitled "an act authorizing the appointment of constables and defining their duties," approved February 17, 1838, and for other purposes;

No. 163, an act to establish a tobacco inspection in the town of Point Commerce in Greene county;

And have found the same correctly enrolled.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the House of Representatives, to wit:

No. 259, an act for the relief of William Alexander;

On motion

The Senate adjourned.

SATURDAY, JAN. 15th, 1842.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Brown their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to bills of the House, as follows, to wit:

No. 66, an act for the relief of William McClure of Franklin county;

No. 140, an act for the relief of Hugh and Robert Stewart.

The House has also passed the following engrossed bill of the Senate, with several amendments, to wit:

No. 13, an act to repeal parts of a certain act therein named;

In which amendments the concurrence of the Senate is respectfully requested.

The House has further passed the following engrossed bills thereof, to wit:

No. 228, an act to amend "an act regulating the practice in suits at law," approved January 29, 1831;

No. 234, an act to amend "an act prescribing the duties of county auditors," approved February 12, 1841;

No. 235, an act to amend an act entitled "an act to provide for selecting county and township officers," approved January 17, 1838;

Also the following joint resolution of the House, to wit:

No. 237, a joint resolution for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the State Prison;

In which engrossed bills and joint resolution I am directed to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed the following enrolled bills of the Senate, to-wit:

No. 29—An act for the relief of certain persons therein named;

No. 56—An act to provide for selecting petit jurors in Hendricks county, and for other purposes;

No. 72—An act for the relief of the heirs of Robert Blair, deceased;

No. 82—An act to change the mode of doing county business in Daviess county;

No. 80—An act to amend certain acts therein named;

No. 85—An act to legalize the election and official acts of the Probate Judge of the county of Fulton;

No. 86—An act to extend the time of holding Probate courts in the counties of Jefferson and Washington;

No. 118—An act to change the name of Austin Bush;

No. 154—An act for the relief of the borrowers of the loan office funds of the State of Indiana;

Also, the following enrolled bills of the House:

No. 98—An act to authorize Nathan Kirk to build a bridge on the Michigan road;

No. 111—An act changing the mode of doing county business in the county of Clay;

No. 115—An act declaring the road from Winslow, in Pike county, to Booneville, in Warrick county, a State road;

No. 127—An act to amend an act pointing out the mode of levying taxes, approved Feb. 12, 1841;

No. 132—An act to amend an act entitled "an act authorizing the appointment of constables and defining their duties," approved Feb. 17, 1838, and for other purposes;

No. 163—An act to establish a tobacco inspection in the town of Point Commerce, in Greene county;

No. 259—An act for the relief of William Alexander;

Which several enrolled bills I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Bill No. 13 of the Senate, in said message, as amended, was taken up.

Mr. Harris moved that the Senate concur in the amendments to said bill by the House.

The ayes and noes were demanded by Messrs. Harris and Baird:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Burke, Carr of Lawrence, Carnan, Collins, Cornett, Davis, Dobson, Eggleston, Gregory, Harris, Hatfield, Herriman, Herriott, Kinzer, Nave, Nickel, Sands, Shanks, Sheets, Walpole, Watts, West and Wright—29.

Those who voted in the negative were,

Messrs. Blair, Everts, Foster, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Mount, Parker, Parks, Pitcher, Reeve and Tannehill—12.

So the amendments were concurred in.

Bills of the House No. 223, 234, 235, and joint resolution No. 237 in said message, were severally read a first time and passed to a second reading on to-morrow.

PETITIONS, REMONSTRANCES, &c.

Mr. Hoover of Wayne presented the petition of George Black and others, praying an act licensing them to shoot for turkeys and other animals "*terre nature* ;"

Which, on his motion, was referred to the committee on military affairs.

Mr. Parker presented the petition of sundry citizens of Wayne, Fayette, Union and Franklin counties praying the incorporation of a company to construct a turnpike road from Cambridge City, through Milton and Dunlapville, to intersect at the State line, the Venice and Milton turnpike road;

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Parker, Hoover of Wayne, Burke and Mount compose said committee.

Mr. Nave presented the petition of Young, Short and others, of Hendricks county, praying an act authorizing all dogs above the age of six months to be subject to a tax of one dollar annually;

Which, on his motion was referred to a select committee.

Ordered that Messrs. Nave, Angle and Herriman compose said committee.

Mr. Mount presented the petition of sundry citizens of Franklin county, praying an act of incorporation for a turnpike road therein named;

Which, on his motion, was referred to a select committee.

Ordered that Messrs. Mount, Watts and Gregory compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Stevenson made the following report:

MR. PRESIDENT :

The committee on finance to which was referred several resolutions on the subject of college and saline lands and the funds thereof, and the Indiana University, have according to order had the same under consideration and have directed me to report the following bill:

Bill No. 157—Relative to the finances of the State University;
Read a first time and passed to a second reading on Monday next.
Mr. Wright made the following report:

MR. PRESIDENT :

The standing committee on the judiciary to whom was referred an act, No. 170, entitled an act amendatory to an act entitled an act concerning clerks, approved Jan. 20th, 1831, have had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The question being on concurring in said report,

It was decided in the negative, and the bill ordered to be engrossed for a third reading on Monday next.

Mr. Wright made the following report:

MR. PRESIDENT :

The standing committee on the judiciary to whom was referred bill No. 152 of the Senate, entitled, a bill to amend an act supplemental to an act subjecting real and personal estate to execution, approved January 8th, 1842, have had the same under consideration, and as the bill of the House gives security to the debtor from sacrifices of property, and an additional stay, by extending the time of return days upon executions, the committee were of opinion that further legislation upon this subject was inexpedient, and directed me to report the bill back to the Senate and recommend its indefinite postponement.

The question being on concurring in the report of said committee, The ayes and noes were demanded by Messrs. Herriman and Morgan:

Those who voted in the affirmative were,

Messrs. Angle, Baird, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Miller, Nave, Parker, Read, Sands, Shanks, Sheets and Wright—25.

Those who voted in the negative were,

Messrs. Blair, Carnan, Davis, Dobson, Foster, Harris, Herriman, Herriott, Moffatt, Morgan, Mount, Nickel Parks, Pitcher, Reeve, Stevenson, Tannehill, Walpole, Watts and West—21.

So the report was concurred in, and the bill indefinitely postponed. Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred bill of the House, No. 70, supplemental to an act entitled an act for the prevention of frauds and perjuries, approved January 24, 1831, have had that subject under consideration and have directed me to report: That after a careful examination of the subject they are of opinion that the provisions of the bill under consideration are in substance the law of the land now, as will be seen by reference to the 7th and 8th sections of an act for the prevention of frauds and perjuries, approved January 24, 1831. Your committee therefore recommend that said bill be indefinitely postponed, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged from the further consideration of the same.

Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred bill of the House No. 211, declaring a divorce in a certain case therein named, and for other purposes, have had that subject under consideration and have directed me to report the same back to the Senate and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

On motion of Mr. Carr of Lawrence,
The report and bill were laid on the table.
Mr. Bright made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred bill of the Senate (119) entitled a bill to amend an act allowing and regulating the writ of *ad quod damnum*, approved December 20th, 1823, have had that subject under consideration, and unanimously directed me to report the same back to the Senate without amendment and recommend its passage.

The bill was ordered to be engrossed and read a third time on Monday next.

Mr. Nave made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred an engrossed bill of the House of Representatives No. 149, entitled a bill to exempt probate judges from arrest, have according to order had the same under consideration and have directed me to report the same back with the following amendment, viz.: after the word publication in the 8th line strike out these words: *in the Indiana Journal and State Sentinel*, and with this amendment the committee recommend the passage of the bill.

The report was concurred in; the amendment ordered to be engrossed; and the bill as amended ordered to a third reading on Monday next.

Mr. Cornett made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill No. 112 of the House limiting the jurisdiction of justices of the peace in Hendricks county, have had the same under consideration and directed me to report as follows, viz: that the provisions of said bill (although intended to be confined to a single county) are yet in the opinion of the committee of such a character as would necessarily be productive of an amount of inconvenience to parties, in various ways too tedious to enumerate, which would far overbalance any good which could possibly accrue in the way of equalizing business among the justices of the county. With this view of the subject, and with an eye single to the rights and interests of the citizens generally, and with a view to prevent much perplexing litigation which might grow out of the proposed enactment, the committee have directed me to report said bill back to the Senate, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Cornett made the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred bill No. 121 for the prevention of usury, have had the same under consideration and are of opinion that the law as it now exists on that subject is sufficiently ample. I am therefore directed to report said bill back to the Senate, and recommend its indefinite postponement.

The question being on concurring in said report;

Mr. Moffat moved a call of the Senate;

Which motion did not prevail.

The question recurring on the concurrence in said report and indefinite postponement of the bill;

The ayes and noes were demanded by Messrs. Moffatt and Wright:

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Bright, Burke, Carr of L., Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Hatfield, Herriman, Hoover of T., Hoover of W., Miller, Mount, Nickel, Parker, Parks, Pitcher, Read, Reeve, Sands, Sharks, Sheets, Stevenson and Watts.—32.

Those who voted in the negative were,

Messrs. Angle, Baird, Carr of J., Carnan, Harris, Moffatt, Morgan, Nave, Tannehill, Walpole, West and Wright.—13.

So the report was concurred in and the bill indefinitely postponed.

Mr. Cornett made the following report :

MR. PRESIDENT :

The committee on the judiciary to which was referred a resolution requesting said committee to enquire what enactments are necessary to be made in order to legalize the proceedings of school commissioners and others in certain cases therein named, have had the same under consideration and have directed me to report that in the opinion of the committee no legislative enactment on the subject referred to in the resolution is necessary, and therefore ask to be discharged from the further consideration of the subject.

On motion of Mr. Parks

The aforesaid resolution was referred to a select committee.

Ordered, that Messrs. Parks, Carr of L., and Pitcher, compose said committee.

Mr. Harris made the following report :

MR. PRESIDENT :

The standing committee on the judiciary to whom was referred a resolution of the Senate instructing them to report a bill providing some suitable penalty for a violation of "an act to amend an act relative to crime and punishment," approved February 10, 1831, approved February 13, 1841, have had the same under consideration and have directed me to report the following bill and recommend its passage.

Bill No. 158, providing a penalty for the violation of a certain law therein named ;

Read a first time, when

Mr. Nave moved to reject said bill.

The ayes and noes were demanded by Messrs. Harris and Baird :

Those who voted in the affirmative were,

Messrs. Bradley, Burke, Chamberlain, Cornett, Elliott, Hoover of

W., Hoover of T., Moffatt, Morgan, Mount, Nave, Nickel, Parks, Pitcher, Reeve, Stevenson, Tannehill and Walpole.—19.

Those who voted in the negative were,

Messrs. Angle, Baird, Blair, Carr of J., Carr of L., Carnan, Collins, Davis, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Parker, Read, Sands, Shanks, Sheets, Watts, West and Wright.—25.

So the motion to reject did not prevail,

The bill was then ordered to a second reading on Monday next.

Mr. Nave made the following report :

MR. PRESIDENT :

The judiciary committee to whom was referred an engrossed bill of the House of Representatives, No. 117, entitled a bill to provide for the sale of lands belonging to minors, have according to order, had the same under consideration and your committee are of opinion that legislation on the subject matter contemplated by said bill is uncalled for at this time, and therefore they have directed me to report the same back to the Senate and recommend its indefinite postponement ; in which report the concurrence of the Senate is respectfully requested.

The report was concurred in and the bill indefinitely postponed.

Mr. Baird made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives, No. 152, entitled an act for the relief of Huntington county, have had the same under consideration and directed me to report the same back to the Senate and ask to be discharged from the further consideration thereof.

The report was concurred in and the bill, on motion of Mr. Foster, laid on the table.

Mr. Baird, made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives, No. 185, entitled an act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal, east of Tippecanoe river, have had the same under consideration and directed me to make three amendments thereto, as follows :

1st Amendment; in first section of said bill, 15th line from top add after the word "dollars," "and fifty cents."

2d Amendment; in 17th line of same section from top after the word "dollars," add "and fifty cents."

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3d Amendment; in second section 10th line after the word "year," add the word "annually."

These amendments being made your committee recommend the passage of the bill.

The amendments as reported by said committee were concurred in.

Mr. Blair moved to amend the 1st section by striking out the rates there proposed and inserting the following :

1st rate six dollars ; 2d rate four dollars and fifty cents ; 3d rate three dollars ;

Which motion did not prevail.

Mr. Blair moved to amend by striking out of said bill all after the 1st section ;

Which motion did not prevail.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Harris

The orders of business were suspended and leave granted the committee on canals and internal improvements to report.

The question being on ordering the bill pending on adjournment to a third reading on Monday next,

Mr. Moffatt moved a call of the Senate ;

Which motion did not prevail.

The bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Harris made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives, No. 131, an act relative to water power at the town of Delphi Carroll county, have had the same under consideration, and have unanimously resolved to report it back to the Senate and recommend its passage without amendment.

The report was concurred in and the bill ordered to a third reading on Monday next.

On motion of Mr. Tannehill,

The vote on the indefinite postponement of the bill of the House, No. 118, to prevent the forfeiture of school lands and for other purposes was reconsidered.

The question recurring on the indefinite postponement of the bill it was decided in the negative.

On motion of Mr. Carr of J.,

The bill was amended as follows :

By inserting in the third line after the word "section" the words "second chapter," when

On motion of Mr. Angle

The rules were suspended, the bill read a third time and passed.

Mr. Baird made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a bill of the Senate, No. 136, entitled a bill to provide for the election of a commissioner on the Wabash and Erie canal west of the Tippecanoe river, have had the same under consideration and directed me to make two amendments thereto.

1st Amendment, in last line of second section after the last word "dollars" add the words "per annum."

2d Amendment, in 5th line from bottom of same section strike out the word "two" and insert "one;" in which amendments they ask the concurrence of the Senate.

Mr. Dobson moved to amend as follows :

Provided, That in case of a vacancy by death, resignation or otherwise, the Governor shall appoint a commissioner, who shall serve until the meeting of the next Legislature, and until a successor is elected and qualified.

Mr. Chamberlain moved a call of the Senate ;

Which motion did not prevail.

The question then recurring on the adoption of the amendment proposed by Mr. Dobson, it was decided in the affirmative.

On motion of Mr. Harris,

The rules were suspended and the bill read a third time.

Mr. Wright moved to lay the bill on the table ;

Which motion did not prevail.

Mr. Harris moved to recommit the aforesaid bill to a select committee with instructions to strike out \$1,000 and insert \$800 in lieu thereof.

The ayes and noes were demanded by Messrs. Wright and Aker.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Burke, Carr of Lawrence, Collins, Cornett, Davis, Eggleston, Elliott, Harris, Morgan, Parks, Read, Sands, Walpole, Watts and Wright—17.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Carr of Jackson, Carnan, Chamberlain, Dobson, Everts, Foster, Gregory, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Mount, Parker, Reeve, Shanks, Sheets, Stevenson, Tannehill and West—25.

So the motion did not prevail.

The question being put, Shall the bill pass? it was decided in the affirmative.

Mr. Watts made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to which was referred bill No. 151, of the Senate, to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company, have had the same under consideration, and have made two amendments to the same, and upon the adoption of those amendments recommend its passage.

Amend the 4th section by striking out all the fourth and fifth lines in said section after the word "until," and insert the following:

"All the sums due upon the several mortgages shall be fully paid to the State of Indiana."

2d amendment: Insert the following as a 6th section:

"That nothing in this act shall be so construed as to prejudice or affect the claims of any individual or individuals that may exist against such company or persons composing the same, either in law or equity.

Mr. Chamberlain moved to recommit said bill to a committee of the whole Senate and make the same the order of the day for Monday next;

Which motion did not prevail.

The question then being on ordering the bill to be engrossed for a third reading,

The ayes and noes were demanded by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Burke, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Gregory, Harris, Hatfield, Hoover of Tippecanoe, Miller, Morgan, Nickel, Parker, Pitcher, Sands, Shanks, Stevenson, Tannehill, Walpole, Watts, West and Wright—27.

Those who voted in the negative were,

Messrs. Baird, Blair, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Davis, Foster, Herriman, Herriott, Hoover of Wayne, Moffatt, Mount, Parks and Read—16.

So the bill was ordered to be engrossed and read a third time on Monday next.

Mr. Cornett moved that the Senate now adjourn;

Which motion did not prevail.

Mr. Everts, on leave being granted, introduced

Bill No. 159, for the better security of the sinking fund and surplus revenue fund.

Mr. Davis introduced,

Bill No. 160, to amend an act entitled an act subjecting real and personal estate to execution, approved January 25, 1841.

Mr. Moffatt introduced

Bill No. 161, fixing the time of holding courts in the seventh judicial circuit and for other purposes.

Mr. Herriman introduced

Joint resolution No. 162, to preserve the health and lives of members of the Legislature and State officers.

All of which several bills and joint resolution were read a first time and passed to a second reading on Monday next.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the Senate, to-wit:

No. 154, an act for the relief of the borrowers of the loan office funds in the State of Indiana;

And have found the same correctly enrolled.

Mr. Harris, from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, report that they did, on this day, present to his excellency the Governor for his approval and signature, the following enrolled bill of the Senate, to wit:

No. 154, an act for the relief of the borrowers of the loan office funds in the State of Indiana;

Also, the following enrolled bill of the House of Representatives, to-wit:

No. 259, an act for the relief of William Alexander.

The following message was received from his Excellency the Governor by Mr. Kiersted, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has on this day approved and signed

Bill No. 154, an act for the relief of the borrowers of the loan office funds in the State of Indiana;

Which originated in the Senate.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House of Representatives, to wit :

No. 148, an act to change the time of holding the probate courts in Greene county ;

No. 153, an act to authorise the appointment of a commissioner in Lebanon, Boone county ;

No. 155, an act to change a part of a certain state road in Greene county ;

No. 157, an act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county ;

No. 158, an act declaring a certain name a misprint and for other purposes ;

No. 161, an act to allow each county in this State to send two students to the State University ;

No. 167, an act to locate a state road in Union and Franklin counties ;

No. 173, an act to amend an act entitled an act to amend and revise an act to incorporate the several townships in the county of Dearborn ;

No. 174, an act to attach an additional school district to congressional township No. 5 south, of range No. 8 west, in Warrick county ;

No. 215, an act for the relief of Samuel H. Bratton ;

No. 239, an act for the relief of George Miller of Johnson county ;
And have found the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Norvell, a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bill of the House, to-wit :

No. 140, an act for the relief of Hugh and Robert Stewart ;

Which I am instructed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have this day presented to the Governor, for his approval and signature, the following enrolled bill of the House of Representatives, to-wit :

No. 140, an act for the relief of Hugh and Robert Stewart.

The following message was received from the House of Representatives by a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the House, to-wit :

No. 148, an act to change the time of holding the probate courts in Greene county ;

No. 153, an act to authorize the appointment of a commissioner in Lebanon, Boone county ;

No. 155, an act to change a part of a certain state road in Greene county ;

No. 157, an act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county ;

No. 158, an act declaring a certain name a misprint and for other purposes ;

No. 161, an act to allow each county in the State to send two students to the State University ;

No. 167, an act to locate a state road in Union and Franklin counties ;

No. 173, an act to amend an act entitled an act to revise and amend an act entitled an act to incorporate the several townships in the county of Dearborn, approved February 7, 1825, and for other purposes ;

No. 174, an act to attach an additional school district to Congressional township No. 5, south of range No. 8 west, in Warrick county ;

No. 215, an act for the relief of Samuel H. Bratton ;

No. 239, an act for the relief of George Miller of Johnson county ;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion,

The Senate adjourned.

MONDAY, JAN. 17, 1842.

The Senate assembled.

The President laid before the Senate a communication from M. Morris, Auditor of Public Accounts, in compliance with a resolution of the Senate, calling on him for information therein contained.

Mr. Davis moved to refer said communication to a select committee, with instructions to inquire into all the facts in relation to the enormous amount of money received by way of perquisites, as connected with the resolution calling for the report just read.

Mr. Morgan moved to amend, so as to refer said communication to the committee on finance;

Which motion did not prevail.

The question then being on referring to a select committee, it was decided in the affirmative.

Ordered, That Messrs. Davis, Read, and Stevenson compose said committee.

The President laid before the Senate a communication from Geo. H. Dunn, Esq. secretary of the treasury, in answer to a resolution of the Senate, calling on him for information in regard to the condition of the surplus revenue fund,

Which was referred.

On motion of Mr. Stevenson,

To the committee on finance.

On motion of Mr. Eggleston,

Five hundred copies of said communication were ordered to be printed.

On motion of Mr. Dobson,

The rules were suspended, and leave granted him to introduce joint resolution No. 163, in relation to treasury notes;

Read a first and second times, when

Mr. Watts moved to amend in the proper place, as follows: "with an interest of one-fourth of one per cent."

Mr. Read moved to amend the amendment, by making the interest "one hundredth part of one per cent.;"

Which motion did not prevail.

The question recurring on the amendment proposed by Mr. Watts, it was decided in the affirmative.

On motion of Mr. Collins,

The amendment was amended, by inserting as follows: "payable two years from date."

Mr. Miller moved to suspend the rules, and read the bill a third time now;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Hendricks, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Senate, that the House has passed an engrossed bill, No. 267, entitled, "a bill to provide for the return of process, &c. in the Shelby circuit court, for March term, 1842," and ask the concurrence of the Senate.

On motion of Mr. Nickel,

The rules were suspended, the bill read three several times, and passed.

The following message was received from the House of Representatives, by Mr. Ritchey, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill, thereof, to-wit:

No. 177—an act to repeal an act converting the sinking fund, saline fund, college fund, surplus revenue fund, and State bank school fund, into bank stock, approved Feb. 15, 1841;

In which I am instructed respectfully, but urgently, to ask the concurrence of the Senate.

Said bill contained in the above message, was read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Brown, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in amendments of the Senate to bills of the House, as follows, to-wit:

No. 29—an act to revive and amend an act therein named;

No. 32—an act relating to the jurisdiction of justices of the peace, by and against corporations;

No. 66—an act for the relief of William McClure, of Franklin county;

No. 116—an act supplemental to an act, entitled, an act to provide for the revision of the laws;

No. 140—an act for the relief of Hugh and Robert Stewart;

No. 194—an act exempting the Vincennes fire company from working on roads;

Also, the following engrossed bills of the House:

No. 171—an act to amend an act, entitled, an act to amend an act

entitled, "an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23d, 1836—approved Feb. 15, 1841;

No. 183—an act to remove the disability of Mary Ann Bruner;

No. 189—an act to amend an act, entitled, "an act to provide for the selection of grand and petit jurors, approved Jan. 25, 1841;

No. 190—an act to amend an act, entitled, "an act to authorize certain individuals therein named, to build a bridge across the Kan-kakee river, at Sherwood's ferry, in Porter county;

No. 192—an act to repeal part of an act to provide for the better regulation of the Indiana University, approved Feb. 15, 1841;

No. 195—an act fixing the time of holding courts in the 4th judicial circuit;

No. 196—an act to authorize an additional term of court in Dearborn county;

No. 203—an act to vacate the town of Richardville;

No. 204—an act to vacate a part of a certain State road therein named, and to declare a certain portion of a county road a State road;

No. 207—an act incorporating the Delphi storage and forwarding company;

No. 208—an act defining the southern boundary of Miami county, and to organize Tipton county;

Also the following joint resolutions of the House:

No. 242—A joint resolution authorizing the board of internal improvement to settle with contractors;

No. 198—A joint resolution relative to the harbor of St. Josephs at lake Michigan;

In which I am instructed respectfully to ask the concurrence of the Senate.

The House has further passed without amendment engrossed bills of the Senate as follows, to-wit:

No. 140—An act for the benefit of the legal heirs of Charles Phillips deceased;

No. 150—An act giving certain authority to seminary trustees of the county of St. Joseph;

Bills Nos. 171, 183, 189, 190, 192, 195, 196, 203, and 204, contained in said message were severally read a first time and passed to a second reading on to-morrow.

Bill No. 207, in said message;

Read a first and second times (the rules having been dispensed with for that purpose) and,

On motion of Mr. Gregory,

Referred to the committee on corporations.

Bill No. 208 in said message;

Read a first and second times (the rules having been dispensed with) and,

On motion of Mr. Angle,

Referred to a select committee.

Ordered, that Messrs. Angle, Wright, and Harris, compose said committee.

Joint resolution No. 242, in said message;

Read a first and second times (the rules having been dispensed with) and,

On motion of Mr. Morgan,

Referred to the committee on canals and internal improvements.

Joint resolution No. 198, in said message;

Read a first time and passed to a second reading.

PETITIONS, REMONSTRANCES, AND MEMORIALS.

Mr. Gregory presented the petition of William A. Bois and sundry others, citizens of Montgomery county praying an act of incorporation for certain purposes therein named;

Which on his motion was referred to a select committee.

Ordered, that Messrs. Gregory, Hoover of T., and Hatfield compose said committee.

Mr. Cornett presented the petition of Ebenezer S. Howley of Ripley county praying for relief;

Which on his motion was referred to the committee on finance.

Mr. Davis presented a communication from F. Spears of Daviess county on the subject of relief;

Which on his motion was referred to the committee on finance.

On motion of Mr. Davis,

The rules were suspended and leave granted him to introduce,

Bill No. 164—To incorporate the citizens band in the county of Daviess;

Read a first time, and

On motion of Mr. Davis,

Referred to the committee on corporations.

Mr. Berry presented a communication from Paris C. Dunning of Monroe county on the subject of relief and other matters therein contained;

Which on his motion was referred to a select committee.

Ordered, that Messrs. Berry, Morgan, and Carr of J., compose said committee.

Mr. Sheets presented the petition of S. W. Thompson and others of White county on the subject of certain townlots therein named;

Which on his motion was referred to a select committee.

Ordered, that Messrs. Sheets, Cornett, and Blair, compose said committee.

Mr. Everts presented a memorial from Geo. C. Starback and others on the subject of the insane; which, on his motion, was referred to the committee on finance.

Mr. Everts presented the petition of William Taylor and others, of Marshall, Starke and Laporte counties, on the subject of a road therein contained; which was referred on his motion, to a select committee.

Ordered, that Messrs. Everts, Roberts and Bradley, compose said committee.

Mr. Sands presented the petition of A. H. Davidson and others of Harrison and Crawford counties on the subject of a road therein named; referred on his motion, to a select committee.

Ordered, that Messrs. Sands, Kinzer and Shanks compose said committee.

Mr. Hoover of Tippecanoe presented a memorial from the directors of the Branch Bank at Lafayette, on the subject of said institution; referred on his motion, to the committee on the State Bank.

Mr. Bright presented the petition of Horatio Byfield and others, for the establishment of an old state road therein named; which was referred on his motion, to the committee on roads.

REPORTS FROM STANDING COMMITTEES.

Mr. Morgan made the following report :

MR. PRESIDENT :

The standing committee on the State Bank to which was referred bill No. 120, of the House, to amend an act entitled an act to amend an act, approved February 5, 1837, entitled an act to distribute so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 15, 1841, have had the same under consideration and have directed me to report that the subject as contained in said bill is before the Senate in the shape of a general law; they therefore ask to be discharged from the further consideration of said bill and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Angle made the following report :

MR. PRESIDENT :

The committee on claims to whom was referred the petition of John Patterson of the county of Boone, asking to be refunded a certain amount of money by him over-paid, as collector of said county, into the State treasury, have had that subject under consideration and have ordered me to report that in the opinion of said committee no legislation on that subject is necessary, on the account that ample provision has been made for the petitioner by a general law on that subject, and ask to be discharged from the further consideration of said petition.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The standing committee on corporations to which was referred an engrossed bill of the House to authorize John Callahan to build a bridge across the mouth of Turner's creek in Dearborn county, have had that subject under consideration and report it back and recommend its passage with one amendment, as follows: Strike out the 17th section and insert the following instead thereof, to wit :

SEC. 7th. Said bridge shall be so constructed as not in any manner to obstruct the navigation of said creek, at any stage of water.

The report was concurred in, the amendment ordered to be engrossed and the bill as amended, read a third time on to-morrow.

Mr. Bright made the following report :

MR. PRESIDENT :

The standing committee on corporations to whom was referred bill of the House, No. 126, being an act to incorporate the White River Manufacturing Company in Daviess and Knox counties, have had that subject under consideration and directed me to report the same back to the Senate with the following amendment :

Add a 10th section as follows :

The stock of the stockholders of said company or any one of them shall be considered personal property and may be sold on execution issued against the stockholders, as other personal property and transferred on the books of the company by the officer selling the same in the same manner that the same could be transferred by the owner thereof, and when such transfer shall have been legally made, if the execution defendant should refuse to transfer and deliver the certificate of said stock to said purchaser, it shall be the duty of the board of directors to make and deliver to such purchaser a certificate thereof, which shall have all the force and effect of the original certificate.

With this amendment the committee recommend the passage of the bill.

The report was concurred in, the amendment ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Pitcher from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled :

No. 66, an act for the relief of William McClure of Franklin county ;

No. 116, an act supplemental to an act entitled an act to provide for the revision of the laws, approved February 4, 1841 ;

No. 194, an act exempting the Vincennes fire company from working roads ;

No. 32, an act relating to the jurisdiction of justices of the peace in actions by and against corporations ;

No. 29, an act to revive and amend an act therein named ;

And the following bills originating in the Senate.

No. 94, an act to legalize the election and official acts of John I. Deming, probate judge of the county of St. Joseph, Indiana ;

No. 13, an act to prohibit the amalgamation of whites and blacks.

Mr. Pitcher from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House and find them truly enrolled, to wit :

No. 118, an act to prevent the forfeiture of school lands and for other purposes ;

No. 267, an act to provide for the return of process, &c., in the Shelby circuit court for March term, 1842.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his excellency the Governor for his approval and signature, the following enrolled bills of the Senate, to wit :

No. 29, an act for the relief of certain persons therein named ;

No. 56, an act to provide for selecting petit jurors in Hendricks county and for other purposes ;

No. 72, an act for the relief of the heirs of Robert Blair, deceased ;

No. 80, an act to amend certain acts therein named ;

No. 82, an act to change the mode of doing county business in Daviess county ;

No. 85, an act to legalize the election and official acts of the probate judge of Fulton county ;

No. 86, an act to extend the time of holding probate courts in the counties of Jefferson and Washington ;

No. 118, an act to change the name of Austin Bush ;

Also the following enrolled bills of the House of Representatives, to wit :

No. 98, an act to authorize Nathan Kirk to build a bridge on the Michigan road ;

No. 111, an act changing the mode of doing county business in the county of Clay ;

No. 115, an act declaring the road from Winslow in Pike county to Boonville in Warrick county, a state road ;

No. 127, an act to amend an act pointing out the mode of levying taxes, approved February 12, 1841 ;

No. 132, an act to amend "an act authorizing the appointment of constables and defining their duties," approved February 17, 1838, and for other purposes ;

No. 163, an act to establish a tobacco inspection in the town of Point Commerce, in Greene county.

Mr. Pitcher from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The committee on enrolled bills have this day presented to the Governor for his approval and signature the following enrolled bills of the House of Representatives, to wit :

No. 158, an act declaring a certain name a misprint and for other purposes ;

No. 153, an act to authorize the appointment of a commissioner in Lebanon, Boone county ;

No. 157, an act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county ;

No. 155, an act to change a part of a certain state road in Greene county ;

No. 173, an act to amend the act entitled an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved February 7, 1825, and for other purposes ;

No. 167—an act to locate a State road in Union and Franklin counties ;

No. 174—an act to attach an additional school district to Congressional township number five, south of range number eight west, in Warrick county ;

No. 148—an act to change the time of holding probate courts in Greene county ;

No. 215—an act for the relief of Samuel H. Bratton ;

No. 161—an act to allow each county in this State to send two students to the State University ;

No. 239—an act for the relief of George Miller of Johnson county ;

The following message was received from his excellency the Governor, by Mr. Kiersted, his private secretary :

MR. PRESIDENT :

I am directed by the Governor, to inform the Senate, that he has on this day approved and signed the following acts :

No. 86—an act to extend the time of holding probate courts in the counties of Jefferson and Washington ;

No. 85—an act to legalize the election and official acts of the probate judge of the county of Fulton;

No. 82—an act to change the mode of doing county business in Daviess county;

No. 80—an act to amend certain acts therein named;

No. 72—an act for the relief of the heirs of Robert Blair, deceased;

No. 56—an act to provide for selecting petit jurors in Hendricks county, and for other purposes;

No. 29—an act for the relief of certain persons therein named;

No. 118—an act to change the name of Austin Bush.

All of which originated in the Senate.

REPORTS FROM SELECT COMMITTEES.

The Senate resumed the consideration of bill No. 11, authorising the issue of five dollar treasury notes, for the redemption of the fifty dollar treasury notes now in circulation.

The question pending, being the amendment proposed by Mr. Chamberlain to the amendment.

Mr. Stevenson moved to lay the amendment of Mr. Chamberlain on the table;

Which motion prevailed.

On motion of Mr. Chamberlain,

The bill and amendments were laid on the table.

Mr. Parker made the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of Fayette county, praying the passage of an act providing for the sale of certain school lands in said county, have had that matter under consideration, and have directed me to report the bill herewith presented, in accordance with the prayer of the petitioners:

Bill No. 165, providing for the sale of certain school lands in Fayette county;

Read three several times, (the rules having been dispensed with for that purpose,) and passed.

Mr. Harris made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of George Merkle and many other citizens of Carroll county, praying that the members of the Carroll Light Infantry company may be exempted from working on roads and public highways, have had that subject under their careful consideration, and believing the prayer of the petitioners is not only reasonable but would be productive of great good, if granted, in these "piping times of peace," when the military

spirit of our people is at the lowest ebb, they have resolved to report the following bill and recommend its passage:

Bill No. 166, to exempt the members of the Carroll light infantry company from working on roads;

Read a first and second times, (the rules having been dispensed with,) and referred,

On motion of Mr. Harris,

To the committee on military affairs.

Mr. Gregory made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate, No. 114, "organizing the first judicial circuit, and fixing the time of holding courts therein and for other purposes," have had the same under consideration, and have directed me to report the same back with the following amendments, and when thus amended, they recommend its passage.

On motion of Mr. Nave,

The bill was amended by striking out the county of Boone, wherever it occurs in the provisions of said bill.

The question being on concurring in the report, as amended, it was so concurred in, when,

On motion of Mr. Gregory,

The rules were suspended, the bill as amended, read a third time and passed.

Mr. Cornett made the following report:

MR. PRESIDENT:

The select committee to which was referred the memorial of David H. Maxwell and others, trustees of Indiana University, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

Bill No. 167, to repeal a portion of an act regulating the salaries of auditor, secretary, and treasurer of State, approved Feb. 4, 1841;

Read a first time and passed to a second reading on to-morrow.

Mr. Wright made the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate directing them to inquire into the expediency of locating a state prison in the northern part of this State, at Lagro, on the Wabash and Erie canal, have had the same under consideration, and are of opinion that no point on the Wabash and Erie canal could be selected possessing more natural advantages for the location of such an institution. At this point a dam is erected across the Wabash river, and

its waters taken to supply the canal. The dam creates above it a navigable pool, which extends up to a fine quarry of stone, which are in great quantities, fine in appearance, and said to stand the frost. They have been used in most of the locks between Lagro and Fort Wayne. This dam also affords great water power, which as yet is not used, and might be turned to useful purposes, connected with an institution of this kind. There is no work which would yield so much profit from labor as dressing stone at this point; as the stone can be had without scarce any other cost than the labor of quarrying, and the price they bring over and above transportation at market will be the product of the convicts' labor. The scarcity of stone from Cass county down the Wabash for some distance below Lafayette, and from Huntington to the Lakes, and from Fort Wayne through all that region of country through which the northern canal will pass, if ever finished, would furnish more points for the use of stone than could be for years supplied by all the convicts. Add to this country that would use the stone quarried and dressed, the fact that the State will in the course of a few years be under the necessity of rebuilding with stone thirteen wooden locks on the Wabash and Erie canal, between Fort Wayne and Logansport, which are rapidly going to decay and which will average in price dollars each. The importance of this work and the necessity of such repairs are unquestionable. The money the State would save by procuring the labor of convicts at this point should doubtless be a consideration in authorising such location. Any legislation that will increase the business on the Wabash and Erie canal will advance the interest of Indiana, by increasing the revenue of the State. The tolls upon a trade of this description would in the course of a few years amount to more than the profits of the present penitentiary at Jeffersonville. There is no tribute in the way of tolls paid upon the articles of manufacture to carry them to market, and the State derives no other benefit than the profit of the convicts' labor, while at Lagro the tolls for the use of the canal would yield a handsome sum annually in transporting the articles manufactured to market.

Again, the length of our State makes it not only unsafe in transporting criminals from the northern portion of this State to Jeffersonville, but expensive. Estimating that there is annually sent twenty convicts from four of the circuits in the northern portion of the State will cost rising a thousand dollars for costs of transporting convicts. This is an annual drain and can be greatly curtailed by locating a prison of the State near the centre of that portion of this State lying north of the national road. Many of the States of the Union have more than one state prison, and owing to the location of our present prison being on the Ohio river, we are of opinion that the present one should be moved to the centre of the State, or one established at the point named in the resolution. And as the State has been at the expense of erecting buildings at Jeffersonville which will probably be sufficient for all the convicts sentenced in that portion of the State laying south of the national road, have come to the conclusion that a penitentiary for that portion of the State laying north of the national

road would not be required as extensive as one for the entire State, and by no means as costly to construct; and directed me to report the following bill and recommend its passage:

Bill No. 168, authorising the appointment of an agent to select a site for a northern penitentiary;

Read a first time and passed to a second reading on to-morrow.

Mr. Moffatt made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 91, of the Senate, for the appointment of a commissioner to make deeds and for other purposes, with instructions to strike out the 5th section of said bill, which authorises suit to be commenced against executors and administrators before the expiration of one year, have performed that duty, and have instructed me to report the same back to the Senate and recommend its passage as amended.

The report was concurred in, and,

On motion of Mr. Parker,

The rules were suspended, the amendments considered as engrossed, the bill as amended read a third time and passed.

Mr. Gregory made the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of Montgomery and Tippecanoe counties, praying an act of incorporation for the carrying on and completion of the Indianapolis and Lafayette turnpike road, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

Bill No. 169, to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company;

Read a first time, when,

On motion of Mr. Gregory,

The rules were suspended, the bill read a second time and referred to the committee on corporations.

Mr. Aker made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Patrick Justice and other citizens of Muncietown, Delaware county, praying the passage of an act incorporating said town and extending to them the provisions of an act incorporating the town of Centreville in Wayne county, approved January 31, 1834, have had the same under consideration, and find that a large majority of the citizens of said town have signed the petition; your committee have therefore in-

structed me to report the following bill in accordance with the prayer of said petition and recommend its passage :

Bill No. 170, to incorporate the town of Muncietown, Delaware county, Indiana ;

Read a first time and passed to a second reading on to-morrow.

Mr. Berry made the following report :

MR. PRESIDENT :

The select committee to whom was committed bill of the House of Representatives No. 187 entitled an act for reducing the expenses of the counties of Monroe and Brown and for selecting petit jurors therein, report the same back to the Senate without amendment and recommend its passage.

The bill was read a third time and passed.

Mr. Wright made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 152, have had the same under consideration and directed me to report the same back with the following amendments and recommend its passage:

1st. After the words Miami Indians insert "each had."

2d. After the word appraised insert "at its true value."

3d. After the first section add "but in no case shall such lands be sold for less than its appraised value; and shall first be offered at public sale at the same time that is provided by law for the sale of lands selected for the extension of the Wabash and Erie canal west of the mouth of the Tippecanoe river."

The report was concurred in and the rules suspended; the amendments considered as engrossed; the bill as amended read a third time and passed.

RESOLUTIONS.

Mr. Moffatt introduced the following resolution:

Resolved, That the committee on finance enquire into and report to this Senate upon the following subjects :

1st. How much revenue will probably be required to support the civil list and maintain the character of the treasury notes now in circulation.

2d. Whether the present revenue law will not be sufficient to support such an addition to our local currency as would enable the State to appropriate a sufficient amount to prosecute to completion some of those works which would most promptly become a source of revenue.

3d. Whether as the public works and the tolls, water rents, and profits arising therefrom, are pledged to the holders of the bonds of the State, it would not be desirable that the State retain her control of those works and urge them to completion as the only means by which

the honor of the State can be preserved and the debt finally liquidated.

4th. Whether the amount thus appropriated would not in the present embarrassed condition of the country, by giving employment to the surplus labor and a market to the surplus produce, materially relieve our citizens and insure a prompt collection of the revenue ;

Which was not adopted.

Mr. West offered for adoption the following :

Resolved, That the committee on finance be instructed to enquire into and ascertain, if any means are at the disposal of the State (except what would be derived from taxation) for the payment of interest now due, on such bonds as have been legally issued and legally sold ; Also, to inquire into the expediency of issuing scrip, or other evidence of the just amount of interest now due upon bonds legally sold and legally issued, and report by bill or otherwise ;

Which was not adopted.

On motion of Mr. Burke,

Resolved, That the committee on roads be respectfully requested to enquire into the expediency of providing by law, for working upon and keeping in repair, the Michigan and Cumberland roads in Indiana, in the same manner and form as other roads are worked in this State, with leave to report by bill or otherwise.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS.

Mr. Stevenson introduced

Joint resolution No. 171, in relation to certain funds therein named ;

Mr. Cornett introduced

Joint resolution No. 172, in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign ;

Mr. West introduced

Joint resolution No. 173, in relation to bank directors ;

Mr. Harris introduced

Joint resolution No. 174, suspending the operation of a certain section of an act therein named ;

Mr. Baird introduced

Bill No. 175, for the relief of certain persons therein named ;

Mr. Bright introduced

Bill No. 176, relative to the duties of the commissioners of the three per cent. fund ;

All of which joint resolutions and bills were severally read a first time and passed to a second reading on to-morrow.

Mr. Watts introduced

Bill No. 177, to amend an act entitled "an act to incorporate the town of Wilmington in Dearborn county ;

Read three several times, (the rules having been dispensed with for that purpose,) and passed.

Mr. Aker introduced

Bill No. 178, to change the time of holding courts in Jay county ;
Read a first time and passed to a second reading on to-morrow.

Mr. Gregory introduced

Bill No. 179, supplemental to an act entitled "an act authorizing the appointment of constables and defining their duties," approved February 17, 1838 ; read a first time.

Mr. Gregory moved that the rules be dispensed with and the bill read a second time now ;

Which motion did not prevail.

The bill was then ordered to a second reading on to-morrow.

Mr. Parker gave notice that he would, on to-morrow, introduce a resolution requiring the Senate during the remaining portion of the session to commence its sessions at half past eight in the morning, and at half past one in the afternoon.

On motion

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. West,

The orders of business were suspended and leave granted him to introduce,

Bill No. 180, in relation to the Marion county library ;

Read a first and second times, (the rules being dispensed with for that purpose,) and referred on his motion, to the committee on the town of Indianapolis.

On motion of Mr. Mount,

The orders of business were further dispensed with, and leave granted him to make the following report :

MR. PRESIDENT :

The select committee to whom was referred a petition from sundry citizens of Franklin county asking for the incorporation of a turnpike company, have had the same under consideration and have directed me to report the following bill :

Bill No. 181, to incorporate the Franklin turnpike company ;

Read a first time when, on his motion, the rules were suspended, the bill read a second time and referred to the committee on corporations.

Mr. Harris moved a call of the Senate ;

Which motion prevailed when,

On motion of Mr. Stevenson

A further call was dispensed with.

The hour fixed by the two houses having arrived, the Senate with closed doors proceeded to the election of a director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term

of service of Jacob Walker, Esq. Messrs. Wright and Bright acting as tellers.

On counting the first ballot it appeared that

Jacob Walker	received	21 votes
Isaac C. Elston	"	13 "
Alexander S. Burnett	"	8 "
Blank		2 "

No one having received a majority of all the votes given, the Senate proceeded to a second balloting, when

Jacob Walker	received	17 votes
Isaac C. Elston	"	11 "
Alexander S. Burnett	"	3 "
G. H. Johnston	"	4 "
E. M. Chamberlain	"	9 "
Scattering		2 "

Neither of the candidates having received a majority of all the votes cast, the Senate proceeded to a third balloting, when

Jacob Walker	received	12 votes
Isaac C. Elston	"	11 "
G. H. Johnston	"	4 "
E. M. Chamberlain	"	16 "
Scattering		4 "

Neither of the candidates having yet received a majority of all the votes given, the Senate proceeded to a fourth balloting ; which resulted as follows :

Jacob Walker	received	13 votes
Isaac C. Elston	"	11 "
E. M. Chamberlain	"	21 "
Scattering		5 "

No one having received a majority of the votes given, the Senate prepared for a fifth ballot ; on counting of which it appeared that

Jacob Walker	received	19 votes
Isaac C. Elston	"	11 "
E. M. Chamberlain	"	11 "
Scattering		6 "

No one having received a majority, the Senate proceeded to ballot a sixth time ; which resulted as follows :

Jacob Walker	received	27 votes
Isaac C. Elston	"	13 "
Scattering		7 "

Jacob Walker, Esq., having received a majority of all the votes given was, by the President, declared duly elected on the part of the Senate, to serve as Director of the State Bank for and during the term of four years, from and after the expiration of his present term.

Ordered, that the House be informed of the same.

The following message was received from the House of Representatives by Mr. Brown, their clerk ;

MR. PRESIDENT :

I am directed by the House of Representatives to deliver to the Senate the following sealed message in relation to the election of a director of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that at an election held in the House in pursuance of a joint resolution of both Houses for the purpose of selecting a director on the part of the State, of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Jacob Walker, Esq., with closed doors, on the first ballot Jacob Walker, Esq., having received a majority of all the votes given, was declared duly elected on the part of the House.

Attest :

JOSEPH F. BROWN, *Principal Clerk.*

ORDERS OF THE DAY.

Bills on their third reading—

Bill No. 89—To incorporate the Martinsville band of musicians;

Bill No. 102—To amend an act for the relief of the poor, approved Feb. 17, 1838;

Bill No. 134—Amendatory of an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, app. Feb. 17, 1838;

Which several bills were read a third time and passed.

Bill No. 139—To regulate the time of holding courts in the counties of Franklin, Switzerland and Ripley, and to extend the time of holding courts in the county of Ripley;

Read a third time and laid on the table.

Bill No. 143—To amend an act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved Feb. 8, 1836;

Bill No. 147—To amend an act entitled an act to incorporate the Indiana Manufacturing Company, approved Feb. 17, 1838;

Joint resolution No. 148—Ratifying the 13th article of the constitution of the United States;

Bill No. 149—To amend an act relating to public roads and highways, app. Feb. 17, 1838;

Bill No. 156 of the House;

Bill No. 59—For the relief of the members of fire company number one in Fort Wayne;

Bill No. 71, of the House, to revive an act entitled an act to incorporate the town of Mooresville, in Morgan county;

Bill No. 88 of the House, to incorporate the Muncietown and Fort Wayne Railroad Company;

Bill No. 124 of the House, to incorporate the Wabash Bridge Company in the county of Huntington;

Bill No. 166 of the House, to amend an act entitled an act amendatory to the charter of Michigan City, approved February 15, 1841;

Bill No. 181 of the House, concerning petit jurors in the counties of Greene, Daviess, Ripley, Adams, Jay, Crawford and Parke;

Bill No. 200 of the House, to amend an act declaring Patoka a public highway, and for other purposes;

Bill No. 206 of the House, for the relief of James R. McCord;

Bill No. 229 of the House;

All of said bills were severally read a third time and passed.

Bill No. 119, to amend an act allowing and regulating the writ of *ad quod damnum*, approved Dec. 20, 1823;

Read a third time.

The question being, shall the bill pass?

The ayes and noes were demanded by Messrs. Herriman and Walpole:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Pitcher, Read, Roberts, Sands, Shanks, Sheets, Sinclear, Tannehill, Watts, West and Wright—40.

Those who voted in the negative were,

Messrs. Dobson, Herriman, Kinzer, Reeve, Stevenson and Walpole—6.

So the bill was passed.

Bill of the House No. 131, relative to water power at the town of Delphi, Carroll county;

Bill No. 149 of the House, to exempt probate judges from arrest;

Both of which bills were read a third time and passed.

Bill No. 185, providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie Canal east of Tippecanoe river;

Read a third time.

Mr. Moffatt moved to recommit said bill to a select committee with the following instructions:

To strike out of the second section, after the words "one-fourth down," in the seventh line the words "one-fourth in a year thereafter and the balance in ten years from the time of sale," and insert "and the remainder in three equal annual instalments."

Mr. Wright moved to lay the motion and instructions on the table.
Which motion did not prevail.

The question recurring on the motion of Mr. Moffatt to recommit with instructions.

The ayes and noes were demanded by Messrs. Wright and Moffatt:

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Hatfield, Kinzer, Miller, Moffatt, Mount, Nickel, Reeve, Roberts, Sands, Sheets, Stevenson, Tannehill, Watts and West—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Carnan, Cornett, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Nave, Parker, Read, Shanks, Sinclear, and Wright—23.

So the motion did not prevail.

The question then being on the passage of the bill,

The ayes and noes were demanded by Messrs. Stevenson and Walpole:

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Dobson, Elliott, Everts, Foster, Gregory, Harris, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Nave, Parker, Shanks, Sinclear and Wright—24.

Those who voted in the negative were,

Messrs. Blair, Bradley, Chamberlain, Cornett, Eggleston, Kinzer, Miller, Moffatt, Mount, Nickel, Read, Reeve, Roberts, Sands, Sheets, Stevenson, Tannehill, Watts and West—19.

So the bill was passed.

Mr. Sheets moved that the Senate now adjourn.

Which motion did not prevail.

Bill No. 170 of the House, amendatory to an act entitled an act concerning clerks, app. Jan. 20, 1831;

Read a third time and passed.

Bill No. 151, to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Company;

Read a third time.

Mr. Berry moved a call of the Senate.

Which motion did not prevail.

The question recurring on the passage of the bill,

The ayes and noes were demanded by Messrs. Herriman and Moffatt:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Burke, Collins, Cornett, Dobson, Eggleston, Elliott, Everts, Gregory, Harris, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Morgan, Nave, Nickel, Parker, Pitcher, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole and Wright—33.

Those who voted in the negative were,

Messrs. Baird, Blair, Bradley, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Herriman, Herriott, Moffatt, Mount, Read and Sheets—13.

So the bill was passed.

Joint resolution No. 162, to preserve the the health and lives of the members of the Legislature and other State officers;

Read a third time, when,

Mr. Watts moved to lay said bill on the table.

Which motion did not prevail.

The question then being, shall the bill pass?

The ayes and noes were demanded by Messrs. Parker and Burke:

Those who voted in the affirmative were,

Messrs. Baird, Blair, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Moffatt, Pitcher, Sinclear, Walpole and Wright—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Cornett, Elliott, Herriott, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nave, Nickel, Parker, Read, Reeve, Roberts, Shanks, Sheets, Stevenson, Tannehill, Watts and West—27.

So the bill was lost.

BILLS ON THEIR SECOND READING.

Bill No. 154, to incorporate the trustees of the New Albany Theological Seminary;

Read a second time and passed to a third reading on to-morrow.

Bill No. 155, to vacate certain lots in the town of Edinburgh, Johnson county;

Read a second time, when,

On motion of Mr. Herriott,

The rules were suspended, the bill read a third time and passed.

Bill No. 156, to provide for printing one thousand copies of the laws of this State in the German language.

Read a second time, when,

Mr. Eggleston moved to recommit said bill to a committee of the whole Senate and make it the order of business now.

The question being on recommitting,

The ayes and noes were demanded by Messrs. Herriman and Chamberlain:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Carnan, Cornett, Eggleston, Gregory, Morgan, Mount, Pitcher, Reeve and Wright—11.

Those who voted in the negative were,

Messrs. Baird, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Dobson, Elliott, Everts, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Moffatt, Nickel, Parker, Read, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, West and Watts—31.

So the motion to recommit did not prevail.

Mr. Eggleston moved to recommit the aforesaid bill to a select committee, with instructions to appoint a German translator.

On motion,

The Senate adjourned.

TUESDAY, JAN. 18, 1842.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Shoup a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed with several amendments engrossed bill of the Senate as follows, to-wit:

No. 73—An act to incorporate the White Water Valley Canal Company;

In which amendments I am instructed respectfully to ask the concurrence of the Senate.

On leave granted Mr. Baird made the following report:

MR. PRESIDENT:

The committee of free conference to whom was referred the difference between the two Houses in relation to the appointment of a bank agent to investigate the affairs of the bank have had several meetings and can make no compromise. The committee on the part of the Senate will say they were not tenacious as to who should be said agent; under all the circumstances they felt that the appointment of M. G. Bright Esq. of Madison; James Whitcomb Esq., or any good honest and qualified democrat would be acceptable. But the committee on the part of the House of Representatives will yield nothing, but say Mr. Palmer is their man. On the part of the Senate we deemed it impolitic to take any man from the seat of government whether whig or democrat; because any one who has lived here any reasonable length of time has heard numerous charges against the bank, and many of the legislative quarrels in relation thereto.

We think it proper if we have an agent he should be one as far removed from these influences as possible. In this matter however the committee on the part of the House of Representatives will not agree. We therefore ask to be discharged from the further consideration thereof.

THOS. D. BAIRD.

The report was concurred in, when

Mr. West moved that the Senate recede from its disagreement to the amendment of the House.

Mr. West moved a call of the Senate.

Which motion prevailed; when,

On motion of Mr. Stevenson,

A further call was dispensed with.

The question recurring on the motion of Mr. West to recede from the decision of the Senate to their disagreement to the amendment of the House;

The ayes and noes were demanded by Messrs. Herriman and Moffatt:

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Dobson, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Tannehill, Walpole and West—29.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Eggleston, Elliott, Everts, Gregory, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Parker, Sheefs, Stevenson, Watts and Wright—19.

So the motion to recede prevailed.

The following message was received from the House of Representatives by Mr. Brown their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has concurred in amendment of the Senate to bill of the House entitled as follows, to-wit :

No. 118, an act to prevent the forfeiture of school lands and for other purposes.

The House has passed, without amendment, the following engrossed bill of the Senate, to-wit :

No. 23, an act to amend an act entitled an act concerning proceedings in ejectment and for the relief of occupying claimants of land, approved January 13, 1831.

Also, the following engrossed bills of the House :

No. 268, an act to fix the time of holding courts in the county of Fountain ;

No. 269, an act to amend an act entitled an act to fix the times of holding courts in the fifth judicial circuit, approved January 30, 1840 ;

No. 270, an act to lengthen the terms of courts in Dearborn county ;

In which I am directed respectfully to ask the concurrence of the Senate.

The Speaker of the House has signed the following enrolled bills of the House, to-wit :

No. 29, an act to revive and amend an act therein named ;

No. 32, an act relating to the jurisdiction of justices of the peace in actions by and against corporations ;

No. 66, an act for the relief of William McClure of Franklin county ;

No. 116, an act supplemental to an act entitled an act to provide for the revision of the laws, approved February 4, 1841 ;

No. 118, an act to prevent the forfeiture of school lands and for other purposes ;

No. 194, an act exempting the Vincennes fire company from working on roads ;

No. 267, an act to provide for the return of process, &c. in the Shelby circuit court for March term in 1842.

Also, the following enrolled bill of the Senate :

No. 94, an act to legalise the election and official acts of John J. Deming, probate judge of the county of St. Joseph, Indiana ;

Which several bills I am instructed to bring to the Senate for the signature of the President thereof.

Whereupon the President of the Senate signed the same.

Bill No. 268, in said message ;

Read a first time and passed to a second reading on to-morrow.

Bill No. 269, in said message ;

Read a first time, when,

On motion of Mr. Nave,

The rules were suspended, the bill read a second time and committed to a select committee.

Ordered, That Messrs. Tannehill, Nave and Herriott compose said committee.

Bill No. 270, in said message ;

Read a first time and referred (the rules being dispensed with) to a select committee.

Ordered, that Messrs. Watts, Mount and Parker compose said committee.

PETITIONS, REMONSTRANCES, &c.

Mr. Eggleston presented the petition of sundry citizens of Switzerland county, praying an act legalising the acts of the trustees of the town of Vevay ;

Which was referred, on his motion, to a select committee.

Ordered, That Messrs. Eggleston, Cornett and Collins compose said committee.

Mr. Read presented three several petitions from sundry citizens of Clark county, praying a reduction in the number of justices of the peace in said county ;

Which was referred, on his motion, to a select committee.

Ordered, that Messrs. Read, Collins and Carr of Lawrence compose said committee.

Mr. Parks presented the petition of sundry citizens of Morgan county, praying that said county may be attached to the tenth judicial circuit ;

Which, on his motion, was laid on the table.

Mr. Aker presented the petition of sundry citizens of Randolph county, in relation to certain school funds therein named ;

Which, on his motion was laid on the table.

Mr. Harris presented the petition of Timothy Dorlivan of Carroll county, praying the vacation of certain town lots in the town of Delphi in said county ;

Which, on his motion, was referred to a select committee.

Ordered, that Messrs. Harris, Wright and Gregory compose said committee.

Mr. Nave presented three several petitions from sundry citizens of the county of Morgan, remonstrating against being attached to the tenth judicial circuit ;

Which, on his motion, was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Pitcher, from the judiciary committee, made the following report :

MR. PRESIDENT :

The standing committee on the judiciary, to whom was referred a bill of the Senate, No. 142, entitled a bill to prevent the sale of property on execution for less than three-fourths of its value, when gold or silver is demanded, have, according to order, had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Pitcher, from the judiciary committee, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred the bill, No. 179, of the House of Representatives, entitled a bill to amend an act regulating the duties and jurisdiction of justices of the peace, approved February 17, 1838, have had the same under consideration, and have made one amendment thereto, as follows :

Strike out the first section ;

And with this amendment they recommend its passage.

Mr. Gregory, from the minority of the judiciary committee, made the following report :

MR. PRESIDENT :

The undersigned, a minority of the standing committee on the judiciary, to whom was referred bill of the House No. 179, to amend an act regulating the duties and jurisdiction of justices of the peace, approved February 17, 1838, beg leave to report that the undersigned differ in opinion from the majority for many reasons ; and among others, first, it is impolitic and attended with many inconveniences to change a well known and well understood law, and particularly when that law regulates the practice of justices of the peace, (who have so general a jurisdiction) ; secondly, in the opinion of the undersigned, no change in the law under consideration is required by public sentiment, the people being satisfied with the present rule.

The question being on concurring in the majority report of said committee, it was decided in the affirmative.

The question then being on ordering the amendment to be engrossed and the bill as amended to a third reading,

The ayes and noes were demanded by Messrs. Gregory and Baird.

Those who voted in the affirmative were,

Messrs. Aker, Blair, Carnan, Elliott, Everts, Harris, Hoover of Tippecanoe, Herriott, Hoover of Wayne, Kinzer, Mount, Nave, Nickel, Parker, Pitcher, Reeve, Roberts and Shanks—18.

Those who voted in the negative were,

Messrs. Angle, Baird, Berry, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Foster, Gregory, Hatfield, Herriman, Miller, Moffatt, Morgan, Parks, Read, Sheets, Stevenson, Tannehill, Walpole Watts and West—26.

So the bill was lost.

Mr. Pitcher from the judiciary committee made the following report:

MR. PRESIDENT :

The committee on the judiciary to whom was referred the bill of the Senate No. 128 entitled "a bill supplemental to an act entitled an act organizing the Supreme Court and defining its powers and duties app. Feb. 17, 1838," have had the same under consideration and have directed me to report it back to the Senate with the following amendment, to-wit: strike it out from the enacting clause and insert the following: and with that amendment recommend its passage.

The report was concurred in when,

Mr. Nave moved to fill the blank in said bill with the sum of \$2 00; Which motion did not prevail.

Mr. Roberts moved to fill the aforesaid blank with the sum of \$3 00; Which motion did not prevail.

On motion of Mr. Morgan,

The blank was filled with the sum of \$3,00 to be paid from the salary of the presiding judge.

The amendments were ordered to be engrossed and the bill as amended read a third time on to-morrow.

Mr. Kinzer made the following report:

MR. PRESIDENT :

The committee on roads to whom was referred the petition of Horatio Byfield and others praying for the re-establishment of so much of the old state road as lies between the mouth of Bradbury's lane on Middle Fork and where it strikes the old state road between section 15 and 16 in Lancaster township, Jefferson county, have had the subject under consideration and have directed me to report the following bill and recommend its passage:

Bill No. — Relocating part of the old state road lying between the mouth of Bradbury's lane on Middle Fork and where it strikes the said road between sections 15 and 16 in Lancaster township Jefferson county;

Read a first time when,

On motion of Mr. Bright,

The rules were suspended; the bill read a second and third times and passed.

Mr. West made the following report:

MR. PRESIDENT :

The committee upon the affairs of the town of Indianapolis to whom was referred bill of the Senate No. 180, in relation to the Marion county library, have had the same under consideration and instruct me to report the same without amendment and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Bright made the following report:

MR. PRESIDENT :

The standing committee on corporations to which was referred bill of the House No. 94, a bill to incorporate the Wayne, Union and Randolph Turnpike Company, and the Union and Wayne Turnpike Company, have had that subject under consideration and directed me to report the same back to the Senate without amendment and recommend the passage of the bill.

The bill was ordered to a third reading on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Collins made the following report :

MR. PRESIDENT :

The select committee to which was referred the petition of sundry citizens of the town of Vevay, have had the subject matter thereof under consideration and have instructed me to report the following bill in conformity to the prayer of the petitioners:

Bill No.—To legalize the election of trustees of the town of Vevay, Indiana;

Read a first time and passed to a second reading.

Mr. Carr of Lawrence, from a select committee, made the following report:

MR. PRESIDENT :

The select committee to whom was referred a resolution of the Senate instructing the judiciary committee to inquire what enactments are necessary to be made in relation to lands heretofore returned to the school commissioners for the non-payment of taxes, have had the same under consideration and direct me to report the following bill and recommend its passage:

Bill No. —To provide for the sale of certain lands returned to school commissioners for the non-payment of taxes thereon;

Read a first time and passed to a second reading.

Mr. Aker made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of Edwin R. Woodberry and other citizens of Wayne, Randolph and Jay counties, praying the repeal of an act entitled an act to establish a State road therein named, and to appoint commissioners to locate a State road on the route of the old county road running nearly parallel with said State road, as located by the commissioner appointed by the above named act;—the committee has also before them a remonstrance from Samuel Downing and others, remonstrating against the repeal of said act. The committee find that the aggregate number of signers is about the same to the remonstrance as to the petition, and find that the road as now located (by reference to a diagram which they have in possession) is on nearly a direct line from Spartinsburgh to Portland. The committee have instructed me to report that it is inexpedient to legislate on that subject and ask to be discharged from further consideration of the same.

The report was concurred in and the committee discharged from the further consideration of the subject.

Mr. Nave made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of Young, Short and others, praying the passage of a law imposing a tax of one dollar annually on all persons who shall keep or harbor more than one dog over the age of six months, &c., have according to order had that subject under consideration, and owing to the 19th sec. of the 3d article of the constitution of Indiana, which is in these words, viz: "all bills for raising revenue shall originate in the House of Representatives, &c.," the committee therefore have directed me to report that the Senate has no constitutional power to originate a bill raising revenue in the State, and ask to be discharged from the further consideration of said petition.

The report was concurred in and the committee discharged.

Mr. Sheets made the following report:

MR. PRESIDENT :

The select committee to which was referred the petition of S. W. Thompson and others, of White county, praying the vacation of the town of New Hartford, in said county, have had the same under consideration and direct me to report the following bill:

Bill No. —To vacate the town of New Hartford, in the county of White;

Read a first time, when,

On motion of Mr. Cornett,

The rules were suspended, the bill read a second and third times and passed.

Mr. Miller made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill of the House of Representatives No. 146 entitled, a bill concerning the taxes imposed on the lands of residents in Pike county, have had said bill under consideration, and have made one amendment, viz:

Strike out said bill from the enacting clause and insert the bill herewith reported.

The report was concurred in, the amendment considered as engrossed, (the rules suspended) and the bill as amended read a third time and passed.

On motion of Mr. Harris,

The bill authorizing the issue of treasury notes of the denomination of \$5 in lieu of the \$50 notes now in circulation, was taken from the table.

The question being on the adoption of the first amendment proposed by the committee, as follows:

Amend the 3d section in the 4th line by striking out the words "without allowance for" and insert the word "with."

The ayes and noes were demanded by Messrs. Chamberlain and West:

Those who voted in the affirmative were,

Messrs. Bradley, Carnan, Elliott, Everts, Gregory, Morgan, Mount, Parker, Watts and Wright—10.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Moffatt, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West—35.

So the amendment did not prevail.

The question being on the adoption of the second amendment, as follows:

8th section, 3d line, after the word "dollars" insert "and for the signing, preparing, registering and issuing the treasury notes hereby authorized, the same allowances shall be made in proportion as near as may be as were made for the late issue of treasury notes."

It was decided in the negative.

On motion of Mr. Parker,

The bill was amended by inserting in the proper place the following:

"Nothing in this act shall be so construed as to make it incumbent

upon the holder of any of said fifty dollar treasury notes to exchange the same for fives unless the holder may so-desire."

Mr. Stevenson moved to amend as follows:

Strike out of the 4th section the following words:

"And said notes shall also be received in payment of all demands due the State, and for tolls and water rents on the public works, but when so received no interest shall be allowed thereon."

The question being on the amendment to the bill,

It was decided in the affirmative.

Mr. Chamberlain moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Chamberlain and Stevenson:

Those who voted in the affirmative were,

Messrs. Baird, Bradley, Carnan, Chamberlain, Collins, Cornett, Harris, Pitcher, Roberts and Walpole—10.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Dobson, Elliott, Everts, Foster, Gregory, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Read, Reeve, Sands, Shanks, Sinclear, Stevenson, Tannehill, Watts, and West—31.

So the motion to indefinitely postpone the bill did not prevail.

Mr. Stevenson moved to consider the amendments as engrossed, dispense with the rules and read the bill as amended a third time now.

The ayes and noes were demanded by Messrs. Chamberlain and Baird:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Elliott, Everts, Foster, Gregory, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Morgan, Nave, Nickel, Parker, Shanks, Sinclear, Stevenson, Tannehill, Watts and West—26.

Those who voted in the negative were,

Messrs. Baird, Bradley, Carnan, Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Mount, Pitcher, Reeve, Roberts, Sands, Walpole and Wright—16.

So the motion prevailed.

The question recurring on the passage of the bill,

The ayes and noes were demanded by Messrs. Baird and Chamberlain:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Elliott, Everts, Foster, Gregory, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Morgan, Nickel, Reeve, Shanks, Sinclear, Stevenson, Tannehill, Watts and West—25.

Those who voted in the negative were,

Messrs. Baird, Bradley, Carnan, Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Mount, Nave, Parker, Pitcher, Roberts, Sands, Walpole and Wright—17.

So the bill was passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Stevenson,

The orders of business were suspended and leave granted to introduce bills.

Mr. Stevenson introduced

Bill No. 186, to legalise the acts of the president and trustees of the town of Greencastle.

Mr. Sands introduced

Bill No. 187, declaring a certain word a misprint and for other purposes, relative to the county of Orange.

Mr. Parks introduced

Bill No. 188, attaching Morgan county to the tenth judicial circuit and for other purposes.

Mr. Bright introduced

Bill No. 189, for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased.

Mr. Bright introduced

Bill No. 190, to incorporate the Lutheran and Reformed Church of the city of Madison.

Mr. Hoover of Tippecanoe introduced

Bill No. 191, to legalise the acts and proceedings of the board doing county business in the county of Tippecanoe and for other purposes.

Mr. Baird introduced

Bill No. 192, to vacate a certain state road in the county of St. Joseph.

Mr. Carr of Lawrence introduced

Bill No. 193, for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes.

All of which bills were severally read a first time and passed to a second reading.

On motion of Mr. Parker,

The orders of business were suspended and leave granted him to introduce (in accordance with notice given on yesterday) the following resolution:

Resolved, That hereafter, until the close of the present session, of the General Assembly, the following shall be taken as one of the standing rules of the Senate:

"On each legislative day the regular time for the convention of the Senate shall be at half an hour past eight o'clock in the forenoon, and at half an hour past one o'clock in the afternoon."

Mr. Watts moved to amend by striking out the times specified in said resolution for the meeting of the Senate, and insert in lieu thereof the hours of "eight o'clock in the morning and one o'clock in the afternoon."

The ayes and noes were demanded by Messrs. Watts and Nickel.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Foster, Harris, Hatfield, Herriman, Miller, Moffatt, Morgan, Mount, Nickel, Parks, Read, Sands, Tannehill, Watts and West—22.

Those who voted in the negative were,

Messrs. Angle, Bright, Burke, Carr of Jackson, Davis, Elliott, Everts, Gregory, Hoover of Tippecanoe, Nave, Parker, Pitcher, Roberts, Shanks, Sinclear, Stevenson and Wright—17.

So the amendment was adopted.

Mr. Gregory moved to amend as follows:

Strike out the resolution from the resolving clause and insert, "that the Senate will hereafter meet at seven o'clock, P. M. and sit till nine o'clock, P. M., for the special benefit of Senators who like to hear themselves talk."

On motion of Mr. Parker,

The resolution and pending amendment were laid on the table.

ORDERS OF THE DAY.

Bills on their third reading:

Bil No. 154, to incorporate the trustees of the New Albany Theological Seminary;

Read a third time and passed.

Joint resolution No. 163, in relation to treasury notes;

Read a third time, when

Mr. Mount moved to refer said joint resolution to a select committee, with instructions as follows:

That it shall be optional with the holder in whose favor such notes shall issue, to receive the same either in fifties or fives, in the proportion as provided by the law now in force, the fifties to draw six per cent. and the fives to draw one quarter of one per cent. per annum.

On motion of Mr. Elliott,

Said joint resolution and pending amendment were laid on the table.

Bill No. 126, of the House, to incorporate the White river Manufacturing Company in Daviess and Knox counties;

Read a third time and passed.

Bill No. 184, to authorise John Callahan to build a bridge across the mouth of Tanners' creek in Dearborn county;

Read a third time and passed.

Bills on their second reading:

Bill No. 156, to provide for printing one thousand copies of the laws of this State in the German language, pending on adjournment yesterday.

The question being on recommitting with the instruction proposed by Mr. Eggleston,

Mr. Stevenson moved to lay the bill and pending amendment on the table.

The ayes and noes were demanded by Messrs. Herriman and Chamberlain.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bradley, Cornett, Davis, Elliott, Herriott, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Stevenson, Tannehill and Watts—17.

Those who voted in the negative were,

Messrs. Aker, Baird, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Nickel, Parks, Read, Roberts, Sands, Shanks, Sinclear, West and Wright—28.

So the motion to lay on the table did not prevail.

The question then recurring on recommitting the bill with instructions,

The ayes and noes were demanded by Messrs. Harris and Chamberlain.

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Collins, Cornett, Davis, Everts, Herriott,

Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Stevenson, Tannehill and Watts—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear and Wright—25.

So the motion to recommit did not prevail.

Mr. Collins moved to recommit [the bill] to a select committee with instructions as follows:

To inquire into and report to the Senate the cost of publishing all the laws of a general character in the German language, including the constitution of the United States and of the State of Indiana.

Mr. Angle moved to indefinitely postpone the bill and amendments.

The ayes and noes were demanded by Messrs. Angle and Chamberlain.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Blair, Bradley, Carr of Lawrence, Cornett, Davis, Everts, Herriott, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Stevenson, Tannehill and Watts—19.

Those who voted in the negative were,

Messrs. Aker, Baird, Bright, Burke, Carr of Jackson, Chamberlain, Collins, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Nickel, Parks, Read, Roberts, Sands, Shanks, Sinclear and Wright—23.

So the motion did not prevail.

The question recurring on recommitting to a select committee,

The ayes and noes were demanded by Messrs. Herriman and Chamberlain.

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Carnan, Collins, Cornett, Davis, Elliott, Herriott, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Stevenson, Tannehill and Watts—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Everts, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Walpole and Wright—25.

So the motion to recommit did not prevail.

The question then recurring on ordering the bill to be engrossed for a third reading,

The ayes and noes were demanded by Messrs. Chamberlain and

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bright, Burke, Carr of Jackson, Chamberlain, Collins, Davis, Dobson, Everts, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear and Walpole—24.

Those who voted in the negative were,

Messrs. Angle, Berry, Blair, Bradley, Carr of Lawrence, Cornett, Elliott, Herriott, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Stevenson, Tannehill and Watts—18.

So the bill was ordered to be engrossed.

Mr. Baird moved that the rules be suspended, the bill considered as engrossed and read a third time now.

Mr. Moffatt moved that there be a call of the Senate;

Which motion did not prevail.

The question then being on the motion of Mr. Baird to suspend and read a third time now, it was decided in the affirmative.

The question then being stated, Shall the bill pass?

The ayes and noes were demanded by Messrs. Moffatt and ———.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bright, Burke, Carr of Jackson, Chamberlain, Collins, Davis, Dobson, Foster, Gregory, Harris, Hatfield, Herriman, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear and Walpole—22.

Those who voted in the negative were,

Messrs. Angle, Berry, Blair, Bradley, Carr of Lawrence, Cornett, Elliott, Everts, Herriott, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Stevenson, Tannehill and Watts—19.

So the bill was passed.

Bill No. 157, relative to the State University;

Read a second time, when,

On motion of Mr. Parker,

The blank in said bill was filled with "three dollars," and amended so as to be made payable out of the State Treasury.

Mr. Dobson moved to lay the bill and amendment on the table.

The ayes and noes were demanded by Messrs. ——— and ———.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Dobson, Harris, Hatfield, Herriman, Hoover of Wayne, Miller, Morgan, Parks, Reeve, Sands, Shanks, Sinclear, Stevenson, Tannehill and West—23.

Those who voted in the negative were,

Messrs. Burke, Cornett, Davis, Everts, Gregory, Herriott, Hoover of Tippecanoe, Moffatt, Mount, Nave, Parker, Pitcher, Read, Watts and Wright—15.

So the motion to lay on the table prevailed.

Bill No. 158, providing for the violation of a certain law therein named;

Read a second time and referred, on motion of Mr. Nave to the judiciary committee.

Bill No. 159, for the better security of the sinking fund and surplus revenue;

Read a second time and referred on motion of Mr. Moffatt, to the committee on finance.

Bill No. 160, to amend an act entitled an act subjecting real and personal estate to execution, approved January 25, 1841;

Read a second time, when

Mr. Wright moved to indefinitely postpone the bill;

Which motion did not prevail.

Mr. Baird moved that the bill be committed to a committee of the whole Senate, and made the order of business now;

Which motion did not prevail.

On motion of Mr. Elliott

The aforesaid bill was referred to the judiciary committee.

On motion of Mr. Tannehill,

The orders of business were suspended and leave granted him to make the following report:

MR. PRESIDENT:

The select committee to which was referred bill No. 269, of the House, entitled a bill to amend an act entitled an act to fix the times of holding courts in the fifth judicial circuit, (approved January 30, 1840,) have according to order, had the same under consideration, and have made one amendment thereto, by striking the same out from its enacting clause, and insert the following; in which amendment the concurrence of the Senate is respectfully requested, and on the adoption of said amendment your committee recommend the passage of the bill.

The report was concurred in, when

On motion of Mr. Nave,

The rules were suspended, the amendment considered as engrossed, the bill as amended read a third time and passed.

On motion of Mr. Herriman,

The orders of business were further dispensed with, and leave granted him to introduce

Bill No. 194, to allow a stay of execution in certain cases ;

Read a first time and passed to a second reading on to-morrow.

Mr. Pitcher made the following report :

MR. PRESIDENT :

The committee on enrolled bills have this day presented to the Governor for his approval and signature the following enrolled bills originating in the House of Representatives, to wit :

No. 29, an act to revive and amend an act therein named ;

No. 32, an act relating to the jurisdiction of justices of the peace in actions by and against corporations ;

No. 66, an act for the relief of William McClure of Franklin county ;

No. 116, an act supplemental to an act entitled an act to provide for the revision of the laws, approved February 4th, 1841 ;

No. 194, an act exempting the Vincennes fire company from working on roads ;

No. 267, an act to provide for the return of process, &c., in the Shelby circuit court, for March term in 1842 ;

No. 118, an act to prevent the forfeiture of school lands and for other purposes ;

And the following enrolled bill of the Senate, to wit :

No. 94, an act to legalize the election and official acts of John J. Deming, probate judge of the county of St. Joseph, Indiana.

The following message was received from his excellency the Governor, by Mr. Kiersted his private secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has on this day approved and signed

No. 94, an act to legalize the election and official acts of John J. Deming, probate judge of the county of St. Joseph, Indiana ;

Which originated in the Senate.

On motion

The Senate adjourned.

WEDNESDAY MORNING, JAN. 19, 1842.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Marshall, a member :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

No. 233, an act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer :

In which I am directed respectfully to ask the concurrence of the Senate.

Bill No. 223, in said message,

Read a first time ; when

Mr. Nave moved to suspend the rules and read the bill a second time now ;

Which motion did not prevail.

The bill was then ordered to a second reading on to-morrow.

The following message was received from the House of Representatives by Mr. Brown their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment the following engrossed bills of the Senate, to wit :

No. 58, an act to amend an act entitled an act to revise and amend an act incorporating Congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841 ;

No. 70, an act authorizing the State Treasurer to collect and pay over to the counties of DeKalb, Wells and Lake that portion of the surplus revenue to which the same are entitled.

No. 78, an act to amend an act entitled an act to incorporate the Indiana mutual fire insurance company ;

No. 100, an act for the relief of John W. Hitt and others ;

No. 104, an act to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841 ;

No. 105, an act to amend an act entitled an act for the preservation of sheep, approved January 25, 1841 ;

No. 108, an act to amend an act entitled an act more effectually to secure the purity of elections, approved February 15, 1841 ;

No. 122, an act to review and relocate so much of the state road from Fredonia to the mouth of the Wabash as lies in Warrick county ;

No. 123, an act giving further time to assessors ;
 No. 125, an act giving the collector of Decatur county for the year 1840, further time to collect the balance due said collector ;

No. 145, an act relating to the Vevay seminary ;
 Also the following engrossed bills of the House to-wit:

No. 266—An act to provide for selecting petit jurors in Laporte county;

No. 191—An act to provide for the election of prosecuting attorneys by the people;

No. 257—An act to confine voters within their respective townships in certain counties therein named;

In which the concurrence of the Senate is respectfully requested.

Also the following bills of the Senate, each with amendments, to-wit:

No. 20—An act for the relief of owners of Wabash and Erie canal lands;

No. 30—An act to compel speculators to pay a road tax equal to that paid by actual settlers;

No. 45—An act for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe;

No. 99—An act to fix the fees of sheriffs in certain cases therein named;

In which amendments of the House to bills of the Senate I am directed respectfully to ask the concurrence of the Senate.

Bill No. 20 in said message.

Read a first time, when

On motion,

The first amendment to said bill by the House was concurred in.

Mr. Morgan moved that the Senate disagree to the second amendment of the House to said bill;

The ayes and noes were demanded by Messrs. Mount and Stevenson:

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of J., Carr of L., Collins, Cornett, Hatfield, Herriott, Miller Moffatt, Morgan, Mount, Nave, Nickel, Parker, Reeve, Roberts, Sheets, Stevenson, Watts, and West—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Bright, Carnan, Chamberlain, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Herriman, Hoover of T., Hoover of W., Parks, Shanks, Sinclear, Tannehill, Walpole, and Wright—22.

So the motion to disagree prevailed.

Bill No. 30 in said message

Was concurred in as amended by the House.

Bill No. 45 in said message

Was concurred in as amended by the House.

Bill No. 266 in said message;

Read a first time and passed to a second reading.

Bill No. 191 in said message;

Read a first time; when,

Mr. Chamberlain moved to reject said bill;

The ayes and noes were demanded by Messrs. Wright and Walpole:

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Collins, Chamberlain, Cornett, Dobson, Elliott, Everts, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Mount, Nickel, Parker, Roberts, Sands, Sheets and West—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Carnan, Davis, Foster, Gregory, Harris, Herriman, Herriott, Morgan, Nave, Parks, Pitcher, Read, Reeve, Sinclear, Stevenson, Tannehill, Walpole, Watts and Wright—22.

So the bill was rejected.

Bill No. 257 in said message, [was] read a first time and passed to a second reading.

PETITIONS, REMONSTRANCES, &c.

Mr. Gregory presented the petition of Silas Kenworthy and 218 others, praying that Sugar creek may be declared a public highway; Which, on his motion, was referred to a select committee.

Ordered that Messrs. Gregory, Bradley and Hatfield compose said committee.

Mr. Reeve presented the petition of Obed B. Worth and others of Rush county on the subject of prohibiting the testimony of blacks in cases therein named;

Which was referred, on his motion, to the judiciary committee.

Mr. Sinclear presented the petition of Horatio W. Slack and others, of Wells county, praying the privilege of taking out the writ of *ad quod damnum* in a certain case therein named; which,

On motion of Mr. Herriman,

Was laid on the table.

Mr. Sheets presented the petition of sundry citizens of Benton county, on the subject of disorganizing said county;

Which, on his motion, was referred to the committee on elections.

Mr. Wright presented the petition of Joseph Willis of Cass county, praying for relief in a certain case therein named;

Which was referred, on his motion, to the judiciary committee.

Mr. Aker presented the petition of Joseph Hickman and others, of Randolph county, on the subject of the surplus revenue fund;

Which was referred, on his motion, to a select committee.

Ordered that Messrs. Baird and Wright compose said committee.

Mr. Pitcher, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives and find them correctly enrolled, to-wit:

No. 124—An act to incorporate the Wabash Bridge Company, in the county of Huntington;

No. 36—An act to incorporate the Eel River Union Bridge Company;

No. 229—An act to incorporate the trustees of the Laporte University;

No. 200—An act to amend an act entitled an act declaring Patoka a public highway, and for other purposes;

No. 187—An act for reducing the expenses of the counties of Monroe and Brown and for selecting petit jurors therein;

No. 170—An act amendatory to an act entitled an act concerning clerks, approved January 20, 1831;

No. 206—An act for the relief of James R. McCord;

No. 71—An act to revive an act entitled an act to incorporate the town of Mooresville, in Morgan county;

REPORTS FROM STANDING COMMITTEES.

Mr. Bright made the following report:

MR. PRESIDENT:

The judiciary committee to which was referred bill of the House, No. 75, entitled, a bill to amend an act entitled an act authorizing aliens and foreigners to hold real estate within the State of Indiana, approved January 14, 1818, have had that subject under consideration and directed me to report the same back to the Senate with an amendment; to insert six additional sections, and with this amendment the committee recommend the passage of the bill.

On motion of Mr. Collins,

Said bill and amendment were recommitted to a select committee.

Ordered that Messrs. Collins, Read and Pitcher compose said committee.

Mr. Hatfield made the following report:

MR. PRESIDENT:

The committee on military affairs to which was referred a bill of the Senate, to exempt the members of the Carrall Light Infantry Company from working on roads, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

On motion of Mr. Harris,

Said bill and amendments were recommitted to a select committee.

Ordered that Messrs. Harris, Gregory and Walpole compose said committee.

Mr. Berry made the following report:

MR. PRESIDENT:

The committee on military affairs to whom was referred a bill of the Senate, to amend an act entitled an act to organize the militia of Indiana, approved February 10th, 1831, have according to order had the subject matter therein contained under their consideration, and have directed me to report it back to the Senate with several amendments, and with said amendments recommend its passage.

The 1st, 2d, 3d and 4th amendments as reported by said committee were concurred in.

The question being on concurring in the 5th amendment as reported by said committee,

Mr. Watts moved to lay the bill and last proposed amendment on the table.

The ayes and noes were demanded by Messrs. Berry and Walpole:

Those who voted in the affirmative were,

Messrs. Aker, Elliott, Harris, Herriman, Morgan Mount, Nave and Watts—8.

Those who voted in the negative were,

Messrs. Angle, Baird, Berry, Blair, Bradley Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Davis, Dobson, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Miller, Moffatt, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Walpole, West and Wright—36.

So the amendment was not concurred in.

Mr. Walpole moved to reconsider the vote taken on concurring in the first amendment proposed by the committee.

Which motion did not prevail.

The bill was then ordered to be engrossed for a a third reading on to-morrow.

Mr. Blair made the following report:

MR. PRESIDENT:

The committee on military affairs to which was referred an engrossed bill of the House of Representatives, relative to the distribution of public arms, have had the same under consideration and have instructed me to report the same to the Senate with one amendment to-wit: Strike out the bill from the enacting clause and insert in lieu thereof a substitute.

Mr. Miller moved to amend by striking out the word "quarterly" and insert the word "semi-annually" in lieu thereof.

Which motion prevailed.

On motion of Mr. Blair,

The rules were suspended, the amendment considered as engrossed and the bill as amended read a third time and passed.

On motion of Mr. Herriman,

The bill for the relief of Huntington county was taken from the table.

The question recurring on ordering the bill to a third reading,

The ayes and noes were demanded by Messrs. Stevenson and Bradley:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bright, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Nickel, Shanks, Sinclear, Walpole, West and Wright—23.

Those who voted in the negative were,

Messrs. Angle, Blair, Bradley, Burke, Davis, Miller, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Read, Reeve, Roberts, Sands, Sheets, Stevenson, Tannehill and Watts—20.

So the bill was ordered to a third reading on to-morrow.

Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on canals and internal improvements, to whom was referred the petition of Thomas Irons and John Miles, praying for relief, have had that subject under consideration, and have directed me to report that, after hearing all the testimony touching the matters and things set forth in the petition, they are of opinion that legislation on the subject is inexpedient and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged from the further consideration of the subject.

Mr. Burke moved to reconsider the vote taken on concurring in the second amendment proposed by the committee to bill No. 20, for the relief of owners of Wabash and Erie canal lands.

Mr. Morgan moved for a call of the Senate;

Which motion prevailed.

On motion of Mr. Sands,

A further call of the Senate was dispensed with.

The question then being on reconsidering said vote,

The ayes and noes were demanded by Messrs. Moffatt and Morgan.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Burke, Chamberlain, Dobson, Elliott, Everts, Foster, Gregory, Harris, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright—20.

Those who voted in the negative were,

Messrs. Angle, Blair, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Davis, Herriott, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Read, Reeve, Roberts, Sands, Stevenson, Watts and West—25.

So the motion to reconsider did not prevail.

Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on corporations, to whom was referred bill of the Senate No. 169, to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company, have had that subject under consideration, and have directed me to report the same back to the Senate, and as it contains the repealing clause, they recommend its passage.

Mr. Moffatt moved to recommit said bill to the committee on canals and internal improvements;

Which motion did not prevail.

The bill was then ordered to a third reading on to-morrow.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Carnan,

The orders of business were dispensed with and leave granted him to introduce

Bill No. 195, for procuring common school statistics;

Read a first and second times, (the rules being dispensed with for that purpose) when,

On motion of Mr. Stevenson,

The bill was amended by striking it out from the enacting clause and inserting in lieu thereof a substitute.

On motion of Mr. Parker,

The rules were suspended, the bill considered as engrossed, read a third time and passed.

On motion of Mr. Moffatt,

The vote just taken on the passage of the bill aforesaid was reconsidered.

Mr. Carr of Lawrence moved to recommit the bill to a select committee, with instructions to strike out "indictment," and insert, "by fine to be recovered by action of debt before justices of the peace;"

Which motion prevailed.

Ordered, that Messrs. Carr of Lawrence, Bright and Stevenson compose said committee.

On motion of Mr. Bright,

The orders of business were suspended and leave granted him to introduce

Bill No. 196, to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

Read a first time and passed to a second reading.

ORDERS OF THE DAY.

Bills on their third reading :

Bill No. 128, supplemental to an act entitled an act to amend an act entitled an act organising circuit courts and defining their powers and duties, approved February 15, 1838;

Bill No. 180, in relation to the Marion county library;

Bill No. 94, of the House, to incorporate the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company;

All of which bills were severally read a third time and passed.

Bills on their second reading :

Bill No. 161, fixing the time of holding courts in the seventh judicial circuit and for other purposes;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolution No. 237, for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the state prison;

Read a second time, when,

On motion of Mr. Sands,

The rules were suspended, the joint resolution read a third time and passed.

Bill No. 222, of the House, to amend an act entitled an act relative to crime and punishment, approved February 10, 1831;

Read a second time, and,

On motion of Mr. Morgan,

Referred to the judiciary committee.

Bill No. 228, of the House, to amend an act regulating the practice in suits at law, approved January 29, 1831;

Read a second time, and,

On motion of Mr. Gregory,

Referred to the judiciary committee.

Bill No. 234, of the House, to amend an act prescribing the duties of county auditor, approved February 12, 1841;

Read a second time, and,

On motion of Mr. Morgan,

Referred to the judiciary committee.

Bill No. 235, of the House, to amend an act entitled an act to provide for electing county and township officers, approved February 17, 1838;

Read a second time, and,

On motion of Mr. Morgan,

Referred to the committee on elections.

Bill No. 164, to incorporate the citizens' band in the county of Daviess;

Read a second time, and,

On motion of Mr. Stevenson,

Referred to the committee on corporations.

Bill No. 167, to repeal a portion of an act regulating the salaries of Auditor, Secretary and Treasurer of State, approved February 4, 1841;

Read a second time, when

Mr. Cornett moved to amend by adding in the proper place the following :

"And that the said sum of four hundred dollars shall be paid to said Auditor out of any moneys in the State Treasury, not otherwise appropriated."

Mr. Walpole moved to lay the amendment on the table;

Which motion did not prevail.

The question then being on the adoption of the amendment proposed by Mr. Cornett,

The ayes and noes were demanded by Messrs. West and Chamberlain.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of Tippecanoe, Moffatt, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Walpole and Wright—29.

Those who voted in the negative were,

Messrs. Angle, Bright, Chamberlain, Davis, Dobson, Hatfield, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West—20.

So the amendment was adopted.

The question then recurring on ordering the bill to a third reading, The ayes and noes were demanded by Messrs. Gregory and Kinzer.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Blair, Bright, Burke, Carr of Jackson, Carr of Lawrence, Collins, Cornett, Eggleston, Elliott, Everts, Foster, Harris, Miller, Moffatt, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets and Watts—25.

Those who voted in the negative were,

Messrs. Angle, Bradley, Carnan, Chamberlain, Davis, Dobson, Gregory, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Morgan, Mount, Nickel, Parks, Read, Roberts, Sinclear, Stevenson, Tannehill, Walpole and Wright—22.

So the bill was ordered to be engrossed for a third reading on to-morrow.

Bill No. 168, authorizing the appointment of an agent to select a site for a northern penitentiary,

Read a second time and referred on motion of Mr. Wright to the committee on the State Prison;

Bill No. 170, to incorporate the town of Muncietown, Delaware county, Indiana,

Read a second time and referred on motion of Mr. Harris, to the committee on corporations;

Joint resolution No. 171, in relation to certain funds therein named,

Read a second time; and on motion of Mr. Stevenson, was laid on the table;

Joint resolution No. 172, in relation to pensioning the surviving offi-

cers and soldiers who served in Wayne's campaign and for other purposes,

Read a second time; when,

On motion of Mr. Watts,

The following amendment was adopted:

Also to use their influence to procure a change of the rule of the war department so as to not require the widows of revolutionary pensioners to prove the services of their deceased husbands to enable them to obtain a pension.

On motion of Mr. Cornett,

The rules were suspended, the bill read a third time and passed.

Joint resolution, No. 173, in relation to a bank director,

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolution, No. 174, suspending the operation of a certain section of an act therein named.

On motion of Mr. Gregory,

It was amended by striking out the words "one year."

On motion of Mr. Harris

The rules were suspended, the joint resolution read a third time and passed.

Bill No. 175, for the relief of certain persons therein named,

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

Bill No. 176, relative to the duties of the commissioner of the three per cent. fund,

Read a second time; and on motion of Mr. Carnan, amended by adding an additional section, as follows:

SEC. That the board of county commissioners whenever the acting commissioner shall neglect to make the report as required above, or whenever they may think the interest of the county requires it, are hereby authorized to remove such commissioner and to appoint one in his stead.

The bill was then ordered to be engrossed for a third reading.

Bill No. 178, to change the time of holding courts in Jay county, read a second time, when, on motion of Mr. Aker, it was amended as follows:

By adding to the first section after the word "Blackford" the following, "and shall set two weeks if the business require it."

The rules were suspended, the bill read a third time and passed.

Bill No. 179, supplemental to an act entitled "an act authorizing the appointment of constables and defining their duties," approved February 17, 1838,

Read a second time; when

On motion of Mr. Gregory

The rules were suspended, the bill considered as engrossed, read a third time and passed.

Bill No. 171, of the House, to amend an act entitled an act to amend an act to provide for distributing so much of the surplus revenue of

the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 15, 1841.

Read a second time ; when

On motion of Mr. Nave,

The bill was amended by striking out the words "Indiana Journal and State Sentinel."

On motion of Mr. Carr of J.,

Said bill was referred to the judiciary committee.

Bill No. 177, of the House, to repeal an act converting the sinking, saline, college, surplus revenue and State Bank funds into bank stock, Read a second time ; when

Mr. Collins moved to amend the first section by excepting so much thereof as secures to the bank the privilege of issuing small notes in consideration of the services to be rendered in the management of said funds.

Mr. West moved to amend the amendment as follows :

Provided, The ten thousand dollars is paid by the banks to the State.

Mr. Elliott moved to lay the amendment to the amendment on the table.

Mr. West moved a call of the Senate ; which motion did not prevail.

The question recurring on Mr. Elliott's motion,

The ayes and noes were demanded by Messrs. Chamberlain and Harris :

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Shanks, Sheets, Stevenson, Watts and Wright.—26.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Sinclear, Tannehill, Walpole and West.—22.

So the motion to lay on the table prevailed

Mr. Chamberlain moved to lay the amendment of Mr. Collins on the table.

The ayes and noes were demanded by Messrs. Chamberlain and Wright :

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Hoover of W., Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West.—22.

Those who voted in the negative were,

Messrs. Aker, Baird, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright.—25.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the amendment ;

The ayes and noes were demanded by Messrs. Chamberlain and

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bradley, Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Everts, Gregory, Herriott, Hoover of T., Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Stevenson, Watts and Wright.—25.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of J., Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Kinzer, Miller, Nickel, Parks, Read, Roberts, Shanks, Sinclear, Tannehill, Walpole and West.—21.

So the amendment was adopted.

On motion of Mr. Parker,

The bill was amended as follows :

Insert in the proper place.

Provided, That nothing in this act shall be so construed as to require any county that may have decided to convert its portion of the surplus revenue into bank stock to resume the same, but the same may be collected and managed in all things as is now provided by law.

Mr. Pitcher moved to amend as follows :

And *Provided further*, That the bank shall from and after the first of March next, redeem the said small notes in specie on demand at their counters ; and on failure so to do the Governor shall cause a *scire facias* to be issued against the bank to shew cause why its charter shall not be declared forfeited.

The ayes and noes were demanded by Messrs. Chamberlain and Moffatt :

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Bradley, Bright, Carr of J., Carr of L., Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Foster, Gregory, Hatfield, Herriman, Herriott, Hoover of T., Kinzer, Miller, Morgan, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole, Watts and West.—39.

Those who voted in the negative were,

Messrs. Aker, Burke, Everts, Moffatt, Sheets and Wright.—6.
So the amendment was adopted.

Mr. Chamberlain moved to strike out of the 2d section all after the word "law" in the ninth line.

On motion
The Senate adjourned.

THURSDAY, JAN. 20, 1842.

The Senate assembled.

The President laid before the Senate a communication from M. Morris, Esq., Auditor of Public Accounts, in compliance with a resolution of the Senate calling on him for information therein contained.

On motion of Mr. Parker,
Said communication was laid on the table and 500 copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Montgomery a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, engrossed bill of the Senate, as follows:

No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company.

The following message was received from the House of Representatives, by Mr. Gorman, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed an engrossed bill thereof No. 292 entitled an act for the relief of the owners of certain lots in the town of Bloomington; and ask the concurrence of the Senate.

Read a first time, when

On motion of Mr. Berry,

The rules were suspended, the bill read a second and third times and passed.

The following message was received from the House of Representatives by Mr. Brown their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment the following engrossed bill of the Senate, to-wit:

No. 165—A bill providing for the sale of certain school lands in Fayette county;

Also the following bill of the Senate with one amendment:

No. 136—An act to provide for the election of a commissioner on the Wabash and Erie canal west of the Tippecanoe river;

In which the concurrence of the Senate is respectfully requested.

The House has concurred in amendments of the Senate to bills of the House as follows:

No. 59—An act for the relief of the members of fire company No. 1 in Fort Wayne;

No. 146—An act concerning the tax imposed on lands of nonresidents in Pike county;

No. 149—An act to exempt Probate judges from arrest;

No. 166—An act to amend an act entitled "an act amendatory to the charter of Michigan city, app. Feb. 15, 1841;

No. 181—An act concerning petit jurors in the counties of Greene, Daviess, Ripley, Adams, Jay, Crawford, and Parke;

No. 185—An act providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie canal east of Tippecanoe river;

The House has passed the following engrossed bills thereof, to-wit:

No. 291—An act to authorize the furnishing of hydrant water to the town of Attica;

No. 300—An act to amend "an act to incorporate the town of Terre Haute, app. Feb. 17, 1838;

No. 301—An act fixing the time of holding the circuit court in Madison county in the 11th judicial circuit;

No. 302—An act to vacate Duret street in the Godfrey addition to the town of Peru;

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House has signed the following enrolled bills of the House, to-wit:

No. 56—An act to incorporate the Eel river Union Bridge Company;

No. 71—An act to revive an act entitled "an act to incorporate the town of Mooresville in Morgan county;

No. 124—An act to incorporate the Wabash Bridge Company in the county of Huntington;

No. 170—An act amendatory to an act entitled "an act concerning clerks app. Jan. 20, 1831;

No. 187—An act for reducing the expenses of the counties of Monroe and Brown and for selecting petit jurors therein;

No. 203—An act to amend an act entitled "an act declaring Patoka a public highway;

No. 206—An act for the relief of James R. McCord;

No. 229—An act to incorporate the trustees of the Laporte University;

Also the following enrolled bill of the Senate:

No. 13—An act to prohibit the amalgamation of whites and blacks;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion

The amendment of the House to bill No. 136, of the Senate, in said message was concurred in.

Bill No. 291, in said message,

Read a first time; when

On motion of Mr. Hatfield,

The rules were suspended the bill read a second and third times and passed.

Bill No. 300, in said message,

Read a first time; when

On motion of Mr. Moffatt,

The rules were suspended, the bill read a second and third times and passed.

Bill No. 301, in said message,

Read a first time; when

On motion of Mr. Walpole,

The rules were suspended, the bill read a second time and referred to a select committee.

Ordered, that Messrs. Walpole, Angle and Aker, compose said committee.

Bill No. 302, in said message,

Read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Matheny, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in amendment of the Senate to bill of the House,

No. 269, an act to amend an act entitled an act to fix the times of holding courts in the 5th judicial circuit, approved January 30, 1840, with one amendment; in which the concurrence of the Senate is respectfully requested.

Said bill was read a first time; when

On motion of Mr. Parks,

The following amendment was adopted.

Strike out all the amendment of the House of Representatives, after the word "provided" and insert in lieu thereof the following:

That the county of Morgan be and the same is hereby attached to the 10th judicial circuit and shall commence its session on the third

Monday in February and August, annually, and shall hold its session twelve days, if the business thereof require it; and the county of Bartholomew shall hold its session twelve days at each term, if the business thereof require it.

Mr. Tannehill moved to amend as follows:

Which motion prevailed.

The question being on concurring in the amendment of the House as amended, it was decided in the affirmative.

PETITIONS, MEMORIALS, ETC.

Mr. Eggleston presented the memorial of sundry citizens of Switzerland county, instructing him on numerous subjects therein named; which were on his motion, laid on the table.

Mr. Wright presented the petition of Christian Symonds of Cass county praying for relief in a certain case therein named; which was referred on his motion, to the committee on canals and internal improvements.

Mr. Cornett presented the petition of Stephen Andrews and sundry other citizens of Ripley county, in relation to a state road therein named; which was referred on his motion, to the committee on roads.

Mr. Sinclear presented the petition of sundry citizens of the counties of Allen and DeKalb, on the subject of exacting tolls from certain water craft, navigating the St. Joseph feeder; which was referred on his motion, to the committee on canals and internal improvements.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill of the Senate, to wit:

No. 73, an act to incorporate the White Water Valley Canal Company;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

The following message was received from the House of Representatives, by Mr. Huckleberry, their assistant clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the House, to wit:

No. 88, an act to incorporate the Muncietown and Fort Wayne railroad company;

No. 131, an act relative to water power at the town of Delphi, Carroll county;

Also the following enrolled bills of the Senate :

No. 104, an act to amend an act pointing out the mode of levying taxes, approved February 12, 1841 ;

No. 108, an act to amend an act entitled an act more effectually to secure the purity of elections," approved February 15, 1841 ;

No. 145, an act relating to the trustees of Vevay seminary ;

No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company ;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Pitcher from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The committee on enrolled bills have this day presented to the Governor for his approval and signature the following enrolled bills of the House of Representatives, to wit :

No. 56, an act to incorporate the Eel river union bridge company ;

No. 124, an act to incorporate the Wabash bridge company in the county of Huntington ;

No. 71, an act to revive an act entitled an act to incorporate the town of Moorsville in Morgan county ;

No. 170, an act amendatory to an act entitled an act concerning clerks, approved January 20, 1831 ;

No. 187, an act for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein ;

No. 200, an act to amend an act entitled an act declaring Patoka a public highway and for other purposes ;

No. 206, an act for the relief of Jas. R. McCord ;

No. 229, an act to incorporate the trustees of the Laporte University,

And the following bill of the Senate :

No. 13, an act to prohibit the amalgamation of whites and blacks.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the Senate, to wit :

No. 73, an act to incorporate the White Water Valley Canal Company ;

No. 140, an act for the benefit of the legal heirs of Charles Phillips, deceased ;

No. 150, an act giving certain authority to the seminary trustees of the county of St. Joseph ;

And have found the same correctly enrolled.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the Senate, to wit :

No. 104, an act to amend an act entitled an act pointing out the mode of levying taxes," approved February 12, 1841 ;

No. 108, an act to amend an act entitled "an act more effectually to secure the purity of elections," approved February 15, 1841 ;

No. 145, an act relating to the Vevay seminary ;

No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company ;

Also the following enrolled with the engrossed bills of the House of Representatives :

No. 88, an act to incorporate the Muncietown and Fort Wayne railroad company ;

No. 131, an act relative to water power at the town of Delphi, Carroll county ;

And have found the same correctly enrolled.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his excellency the Governor, for his approval and signature, the following enrolled bill of the Senate, to wit :

No. 73, an act to incorporate the White Water Valley Canal Company.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his excellency the Governor for his approval and signature, the following enrolled bills of the Senate, to wit :

No. 104, an act to amend an act entitled an act pointing out the mode of levying taxes," approved February 12, 1841 ;

No. 108, an act to amend an act entitled an act more effectually to secure the purity of elections, approved February 15, 1841 ;

No. 145, an act relating to the trustees of Vevay seminary ;

No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company ;

Also the following enrolled bills of the House, to wit :

No. 88, an act to incorporate the Muncietown and Fort Wayne railroad company ;

No. 131, an act relative to water power at the town of Delphi, Carroll county ;

The following message was received from his excellency the Governor, by his private secretary:

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has on this day, approved and signed the following acts :

No. 145, an act relating to the trustees of Vevay seminary ;

No. 104, an act to amend an act entitled "an act pointing out the mode of levying taxes," approved February 12, 1841 ;

No. 108, an act to amend an act entitled "an act more effectually to secure the purity of elections," approved February 15, 1841 ;

No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company ;

No. 13, act to prohibit the amalgamation of whites and blacks ;

No. 73, an act to incorporate the White Water Valley Canal Company ;

All of which originated in the Senate.

REPORTS FROM STANDING COMMITTEES.

Mr. Angle made the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred the petition of A. Milliken and others, praying for an extension of the jurisdiction of justices of the peace in civil causes in the county of Boone, have had that subject under consideration, and have directed me to report that, in the opinion of said committee, no legislation on that subject is necessary at this time, and ask to be discharged from the further consideration of said petition.

The report was concurred in and the committee accordingly discharged.

On motion of Mr. Collins,

The judiciary committee were discharged from the further consideration of

Bill No. 158, providing a penalty for the violation of a certain law therein named.

Mr. Elliott moved to amend said bill by striking out from the enacting clause and inserting a substitute in lieu thereof ;

Which motion prevailed.

The bill was then ordered to be engrossed for a third reading on tomorrow.

Mr. Gregory made the following report :

MR. PRESIDENT :

The standing committee on canals and internal improvements, to whom was referred joint resolution of the House No. 242, authorising the board of internal improvement to settle with contractors, have had that subject under consideration, and have directed me to report the same back to the Senate with one amendment, to wit, add the following proviso after the words "referred to," in the 18th line of said joint resolution: "*Provided, further,* That all the contractors who may settle with the said board of internal improvement, in pursuance to the provisions of this joint resolution, shall receive the several amounts found due to them in full of all damages on account of their respective contracts." And with this amendment your committee recommend its passage.

On motion of Mr. Gregory,

The rules were suspended, the joint resolution, as amended, considered engrossed, read a third time and passed.

Mr. Collins made the following report :

MR. PRESIDENT :

The committee on the State Bank, to which was referred the petition of James Cook and others, have had the same under consideration, and have directed me to make the following report :

The private stockholders in the South Bend Branch of the State Bank subscribed for 1,600 shares of stock and paid up 30,000 dollars, the first instalment. For the second and third instalments, mortgages were executed by the stockholders, as is provided by the 90th section of the charter, except \$2,141 62, which appears to have been paid in cash. No loan being by the State, the sum of \$47858 38, has never been paid in on account of the said private stockholders, so that the State now holds 80,000 dollars of stock in said branch, and the private stockholders only \$32,141 62. Your committee believing that the safety and prosperity of said branch would be promoted by a further increase of private stock therein, have directed me to report a bill, No. 196, to provide for increasing the stock of the private stockholders in the South Bend Branch of the State Bank.

Read a first time and passed to a second reading.

Mr. Harris made the following report :

MR. PRESIDENT :

The committee on corporations, to which was referred a bill of the House of Representatives, No. 207, an act incorporating the Del-

phi storage and forwarding company, have had said bill under consideration, and have instructed me to report it back without amendment and recommend its passage.

On motion of Mr. Harris,

The rules were suspended, the bill read a third time and passed.

REPORTS FROM SELECT COMMITTEES.

Mr. Read made the following report:

MR. PRESIDENT:

The select committee to whom was referred petitions from the citizens of Washington and Clark counties, relative to a state road, beg leave to introduce the following bill and recommend its passage.

Bill No. 198, relative to a state road in Washington and Clark counties.

Read three several times (the rules having been dispensed with for that purpose) and passed.

Mr. Mount made the following report:

MR. PRESIDENT:

The select committee to which was referred bill No. 151, of the House, respecting roads and highways, have had the same under consideration, and have directed me to report the same to the Senate and recommend that it lie on the table, and ask to be discharged from the further consideration of the same.

The report was concurred in, the bill laid on the table and the committee discharged from the further consideration of the subject.

Mr. Everts made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Wm. Taylor and others, citizens of Marshall, Starke, and Laporte counties praying for a certain state road therein, have had the same under their consideration and have directed me to report the following bill in conformity with the prayer of said petitioners:

Bill No. 199—For the location of a certain state road therein named;

Read a first time and passed to a second reading.

Mr. Watts made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 271 to lengthen the terms of the courts in Dearborn county, have had the same under consideration and have directed me to report

the same to the Senate without amendment and recommend its passage.

On motion of Mr. Watts,

The rules were suspended, the bill read a third time and passed.

Mr. Angle made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill of the House of Representatives No. 208 defining the southern boundary of Miami county and to organize the county of Tipton, have had the same under consideration and a majority of the committee have authorized me to report the bill back to the Senate with the following amendments and recommend its passage:

1st. Strike out Hamilton where-ever it occurs in the 8th section and insert "Carroll."

2d. Strike out of the same section Boone and insert "Clinton."

Mr. Harris from the minority of said select committee made the following report:

MR. PRESIDENT:

The undersigned, one of the select committee to which was referred a bill of the House of Representatives, No. 208, an act defining the southern boundary of Miami county, and to organize Tipton county, dissents from the report of the majority.

HORATIO J. HARRIS.

The question being on concurring in the report of the majority of said committee;

It was decided in the affirmative.

The amendments were ordered to be engrossed and the bill as amended read a third time on to morrow.

Mr. Collins made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 75, entitled a bill to amend an act entitled an act authorising aliens and foreigners to hold real estate within the State of Indiana, approved January 14, 1818, with several proposed amendments, have had the same under consideration, and have instructed me to report the said bill and amendments back to the Senate and recommend the passage of the bill of the House, as proposed to be amended, with the following amendments to the amendments, to-wit:

1st. Insert the word "hereafter" at the commencement of the second amendment.

2d. Strike out the word "alien" in the first line of the fourth amendment.

3d. Substitute the word "section" for "provision" in the fifth line of the fourth amendment.

The report was concurred in, the amendment ordered to be engrossed and the bill as amended, to a third reading on to-morrow.

INTRODUCTION OF JOINT RESOLUTIONS AND BILLS.

Mr. Moffatt introduced

Joint resolution No. 200, in relation to the Wabash and Erie canal lands;

Read a first time, when,

On motion of Mr. Moffatt,

The rules were suspended, the bill read a second and third times and passed.

Mr. Carr of Jackson introduced

Bill No. 201, to amend an act entitled an act for the relief of John Rodolph Fischli, approved February 18, 1839;

Read a first time, when,

On motion of Mr. Carr of Jackson,

The rules were suspended and the bill read a second time.

Mr. Read moved to commit said bill to the judiciary committee;

Which motion did not prevail.

On motion of Mr. Carr of Jackson,

Said bill was committed to a select committee.

Ordered, That Messrs. Carr of Jackson, Bright and Collins compose said committee.

On motion of Mr. Read,

The aforesaid committee were instructed as follows:

"Provided, however, That nothing in this act shall be so construed as to relinquish on the part of the State the ground or any part thereof upon which the state prison is erected.

Mr. Hoover of Tippecanoe introduced

Bill No. 202, to authorise the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named;

Read a first time and passed to a second reading.

Mr. Herriman introduced

Bill No. 203, supplemental to an act for the continuation of the Wabash and Erie canal west of Tippecanoe river;

Read a first time and passed to a second reading on to-morrow.

Mr. Hoover of Tippecanoe introduced

Bill No. 204, to incorporate the Presbyterian congregation of Lafayette in Tippecanoe county;

Read a first and second times, (the rules being dispensed with for that purpose) and referred, on his motion, to the committee on corporations.

Mr. Elliott introduced

Bill No. 205, amendatory of the act relative to crimes and punishments;

Read a first time and passed to a second reading on to-morrow.

Mr. Pitcher introduced

Bill No. 206, further to amend an act for the prevention of frauds and perjuries, approved January 24, 1831;

Read a first time and passed to a second reading on to-morrow.

Mr. Bright introduced

Bill No. 207, authorising the county commissioners of Jefferson county to sell and dispose of the poor farm in said county and for other purposes;

Read a first and second times, (the rules having been dispensed with) and referred, on his motion, to a select committee.

Ordered, That Messrs. Bright, Morgan and West compose said committee.

Mr. Berry introduced

Bill No. 208, for the relief of the trustees of the Mount Salem church in Monroe county;

Read three several times (the rules having been dispensed with for that purpose) and passed.

Mr. Blair introduced

Bill No. 209, to amend an act entitled an act to establish certain state roads therein named and for other purposes, approved February 17, 1838;

Read three several times (the rules having been dispensed with for that purpose) and passed.

Mr. Bright introduced

Bill No. 210, for the relief of G. W. Branham & Co., contractors on the Madison and Indianapolis Railroad;

Read a first and second times, (the rules being dispensed with) and referred, on his motion, to the committee on canals and internal improvements.

Mr. Pitcher introduced

Bill No. 212, relative to the public square in the town of Evansville, Vanderburgh county.

Mr. Harris introduced

Bill No. 211, to amend an act entitled an act relative to the surplus revenue of Carroll county, approved February 10, 1841;

Mr. Aker introduced

Bill No. 213, to provide for a more uniform mode of doing township business in the county of Jay.

All of which bills were read three several times (the rules having been dispensed with for that purpose) and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bills on their third reading:

Bill No. 161;

Read a third time, when

On motion of Mr. Stevenson,

Said bill was committed to a select committee with instructions to amend as follows:

"This act to take effect from and after the first day of August next."

Ordered, that Messrs. Stevenson, Carnan and Moffatt compose said committee.

Bill No. 175, for the relief of certain persons therein named;

Read a third time.

The question being, Shall the bill pass?

The ayes and noes were demanded by Messrs. Mount and Walpole.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Bradley, Bright, Burke, Carr of Jackson, Cornett, Carr of Lawrence, Collins, Davis, Elliott, Everts, Harris, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Miller, Parks, Pitcher, Roberts, Sinclear and Watts—21.

Those who voted in the negative were,

Messrs. Angle, Blair, Carnan, Chamberlain, Gregory, Herriman, Herriott, Kinzer, Morgan, Mount, Parker, Reeve, Read, Sands, Shanks, Stevenson, Tannehill and Walpole—18.

So the bill was passed.

Bill No. 169, to incorporate the Indianapolis, Crawfordsville and Lafayette Turnpike Company;

Joint resolution No. 173, in relation to bank directors;

Bill No. 176, in relation to the duties of the commissioners of the three per cent. fund;

Bill No. 175, for the relief of certain persons therein named;

Bill No. 214, to amend an act entitled an act to organise the militia of Indiana, approved February 10, 1836;

All of which bills were severally read a third time and passed.

Bill No. 152, of the House, for the relief of Huntington county;

Read a third time.

The question being on the passage of the bill,

The ayes and noes were ordered by Messrs. Moffatt and Stevenson.

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Bright, Carnan, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Parks, Pitcher, Shanks, Sinclear, Tannehill, Walpole, West and Wright—26.

Those who voted in the negative were,

Messrs. Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Herriott, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Read, Reeve, Roberts, Sands, Sheets, Stevenson and Watts—22.

So the bill passed.

Bills on their second reading:

The question being on the adoption of the amendment proposed by Mr. Chamberlain to the bill No. 137, of the House, pending on adjournment yesterday,

The ayes and noes were demanded by Messrs. Chamberlain and

Those who voted in the affirmative were,

Messrs. Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Nickel, Parks, Pitcher, Read, Reeve, Roberts, Shanks, Sinclear, Tannehill, Walpole Watts and West—28.

Those who voted in the negative were,

Messrs. Angle, Baird, Blair, Bradley, Carnan, Collins, Elliott, Everts, Herriott, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Nave, Parker, Sands, Sheets, Stevenson and Wright—19.

So the amendment was adopted.

Mr. West moved to amend as follows:

That in case any Branch of the State Bank of Indiana shall fail to resume and pay specie when demanded, for all its liabilities, from and after the first day of August next, then and in that case all its profits and dividends shall be paid into the State Treasury for the use and for the benefit of the State, until said Bank shall, in good faith, resume and pay specie on demand for all its liabilities, as aforesaid.

Mr. Burke moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. West and Chamberlain.

Those who voted in the affirmative were,

Messrs. Baird, Blair, Bradley, Burke, Carnan, Collins, Cornett, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of Wayne, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Sheets, Stevenson, Tannehill, Watts and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Kinzer, Miller, Nickel, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Walpole and West—24.

The President giving the casting vote in the affirmative, the amendment was laid on the table.

The question then being on ordering the amendments to be engrossed and the bill as amended to a third reading on to-morrow.

The ayes and noes were demanded by Messrs. Herriman and Sinclear.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Miller, Nave, Nickel, Parker, Pitcher, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Tannehill, Walpole and West—33.

Those who voted in the negative were,

Messrs. Angle, Blair, Bradley, Burke, Elliott, Everts, Hoover of Tippecanoe, Kinzer, Moffatt, Morgan, Mount, Sheets, Stevenson, Watts and Wright—15.

So the amendments were ordered to be engrossed and the bill read a third time on to-morrow.

Bill No. 183, of the House, to remove the disability of Mary Ann Brewner;

Read a second time and passed to a third reading on to-morrow.

Bill No. 189, of the House, to amend an act entitled an act to provide for the selection of grand and petit jurors, approved January 25, 1841;

Read a second time.

Mr. Wright moved to refer said bill to the judiciary committee;

Which motion did not prevail.

The question then being on ordering it to a third reading, it was decided in the negative.

Bill No. 190, of the House, to amend an act entitled an act to authorise certain individuals therein named to build a bridge across the Kankakee river at Sherwood's ferry in Porter county;

Read a second time and passed to a third reading on to-morrow.

Bill No. 192, of the House, to repeal part of an act to provide for a better regulation of the Indiana University, approved February 15, 1841;

Read a second time, when

Mr. Watts moved to indefinitely postpone said bill.

The ayes and noes were demanded by Messrs. Stevenson and Gregory.

Those who voted in the affirmative were,

Messrs. Angle, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Elliott, Everts, Foster, Harris, Hoover of Tippecanoe, Kinzer, Miller, Moffatt, Morgan, Mount, Parker, Pitcher, Roberts, Sands, Shanks, Watts, West and Wright—28.

Those who voted in the negative were,

Messrs. Baird, Davis, Dobson, Gregory, Hatfield, Herriman, Hoover of Wayne, Parks, Read, Reeve, Sheets and Stevenson—12.

So the bill was indefinitely postponed.

Bill No. 195, of the House:

Read a second time, and,

On motion of Mr. Miller,

Referred to a select committee.

Ordered, that Messrs. Miller, Roberts and Pitcher compose said committee.

Bill No. 196, of the House, to authorise an additional term of court in Dearborn county;

Joint resolution No. 198, of the House, relative to the harbor of St. Joseph at Lake Michigan.

Said bill and joint resolution were both read a second time and passed to a third reading on to-morrow.

Bill No. 203, of the House, to vacate the town of Richardville;

Read a second time, when,

On motion of Mr. Wright,

The rules were suspended, the bill read a third time and passed.

Bill No. 204, of the House, to vacate a part of a certain state road therein named, and to declare a certain portion of a county road a state road;

Read a second time and passed to a third reading.

Bill No. 268, of the House, to fix the time of holding courts in the county of Fountain;

Read a second time, and,

On motion of Mr. Gregory,

Referred to a select committee.

Ordered, that Messrs. Gregory, Hatfield and Harris compose said committee.

Bill No. 223, to provide for the construction of all or any part of

the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer;

Read a second time, when

Mr. Chamberlain moved to commit said bill to the committee on canals and internal improvements.

The ayes and noes were demanded by Messrs. Chamberlain and Carr of Jackson.

Those who voted in the affirmative were,

Messrs. Baird, Blair, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Everts, Miller, Moffatt, Morgan, Mount, Read, Roberts, Sands, Sheets and Watts—16.

Those who voted in the negative were,

Messrs. Angle, Berry, Bradley, Bright, Burke, Carnan, Collins, Davis, Dobson, Elliott, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Nave, Nickel, Parker, Pitcher, Reeve, Shanks, Sinclear Stevenson, Tannehill, Walpole, West and Wright—31.

So the motion to commit did not prevail.

On motion,

The Senate adjourned.

FRIDAY, JAN. 21, 1842.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Brown their principal clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has concurred in amendments of the Senate to bills of the House as follows:

No. 115—An act relative to the distribution of public arms;

No. 184—An act to authorize John Callahan to build a bridge across the mouth of Tanner's creek in Dearborn county;

The House has passed without amendment the following engrossed bills and joint resolutions of the Senate, to-wit;

No. 172—A joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign, and for other purposes;

No. 178—An act to change the times of holding courts in Jay county;

The House insists upon its amendment to bill of the Senate entitled No. 20—An act for the relief of the owners of Wabash and Erie canal lands.

The Speaker of the House has signed the following enrolled bills of the Senate, to-wit:

No. 140—An act for the benefit of the legal heirs of Charles Phillips deceased;

No. 150—An act giving certain authority to the seminary trustees of the county of St. Joseph;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

No. 179—An act supplemental to an act entitled an act authorizing the appointment of constables and defining their duties app. Feb. 17, 1838.

The House disagrees to the first amendment, and concurs in the 2d of the Senate to bill of the House,

No. 11—An act authorizing the issue of \$5 treasury notes for the redemption of the \$50 treasury notes now in circulation.

Mr. Stevenson moved that the Senate insist on their amendment to the bill of the House No. 11 in said message;

The ayes and noes were demanded by Messrs. Stevenson and Davis:

Those who voted in the affirmative were,

Messrs. Angle, Baird, Bradley, Burke, Carr of J., Carr of L., Carnan, Chamberlain Cornett, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of T., Hoover of W., Moffatt, Morgan, Nave, Nickel, Parker, Pitcher, Reeve, Sheets, Stevenson, Walpole, Watts and West.—27.

Those who voted in the negative were,

Messrs. Aker, Blair, Bright, Collins, Davis, Dobson, Eggleston, Hatfield, Herriman, Kinzer, Miller, Mount, Parks, Roberts, Sands, Shanks, Sinclear and Tannehill.—18.

So the motion to insist prevailed.

Mr. Morgan moved, that the Senate insist on their disagreement to the amendment of the House to bill of the Senate No. 20, in said message.

The ayes and noes were demanded by Messrs. Harris, and —

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Cornett, Eggleston, Everts, Herriott, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Pitcher, Reeve, Roberts, Sands, Stevenson, Watts and West.—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Bright, Chamberlain, Collins, Davis, Dobson, Elliott, Eoster, Gregory, Harris, Hatfield, Herriman, Hoover of T., Hoover of W., Kinzer, Parker, Parks, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright.—25.

So the motion to insist did not prevail.

Mr. Baird moved that the Senate recede from the disagreement on the amendment of the House to the aforesaid bill.

The ayes and noes were demanded by Messrs. Morgan and Mount :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bright, Cornett, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of T., Hoover of W., Kinzer, Parker, Parks, Shanks, Sinclear, Tannehill, Walpole and Wright.—23.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Collins, Herriott, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Pitcher, Reeve, Roberts, Sands, Stevenson, Watts and West.—23.

The President giving the casting vote in the negative

The motion to recede did not prevail.

Mr. Morgan moved to lay the bill pending on the table ;

Which motion did not prevail.

Mr. Morgan moved that the Senate adhere to their amendment.

The ayes and noes were demanded by Messrs. Morgan and Gregory :

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Cornett, Herriott, Kinzer, Moffatt, Morgan, Mount, Nickel, Pitcher, Read, Roberts, Reeve, Sands, Shanks, Stevenson and Watts.—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Bright, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman,

Hoover of T., Hoover of W., Parker, Parks, Sheets, Sinclear, Tannehill, Walpole and Wright.—24.

So the motion to adhere did not prevail.

Mr. Miller moved to reconsider the vote taken on receding from their disagreement.

The ayes and noes were demanded by Messrs. Morgan and Mount :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bright, Chamberlain, Collins, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of T., Hoover of W., Kinzer, Miller, Parker, Parks, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright.—27.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Cornett, Herriott, Moffatt, Morgan, Mount, Nave, Nickel, Pitcher, Read, Reeve, Roberts, Sands, Stevenson, Watts and West.—22.

So the motion to reconsider prevailed.

The question then recurring on receding from the disagreement to the amendment of the House ;

The ayes and noes were demanded by Messrs. Moffatt and Morgan :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bright, Chamberlain, Collins, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of T., Hoover of W., Kinzer, Parker, Parks, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright.—25.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Cornett, Elliott, Herriott, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Pitcher, Read, Reeve, Roberts, Sands, Stevenson, Watts and West.—24.

So the motion to recede prevailed.

The following message was received from the House of Representatives by Mr. Mitchell, a member :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House of Representatives have passed an engrossed bill, No. 304, entitled a bill relative to a dam and lock on the Elkhart river; in which the concurrence of the Senate is respectfully requested.

Said bill was read a first time and passed to a second reading on tomorrow.

The following message was received from the House of Representatives by Mr. Gorman, a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof :

No. 321, an act entitled an act to give corporate powers to the county of Brown,

Read a first and second times, the rules, on motion of Mr. Berry, having been dispensed with, and referred to the committee on corporations.

The following message was received from the House of Representatives, by Mr. Chapman of L., a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed a joint resolution thereof, to wit :

No. 327, a joint resolution in relation to the construction of a harbor at Michigan city ;

In which I am directed respectfully to ask the concurrence of the Senate.

On motion of Mr. Everts,

The rules were suspended, the bill read three several times and passed.

PETITIONS, REMONSTRANCES, &c.

Mr. Berry presented the memorial of a meeting of the citizens of Monroe county on the subject of the circulating medium, stop law, &c. ; which on his motion, was laid on the table.

Mr. Stevenson presented the petition of William Crumpton and others, praying that the students of all universities and colleges in this State, shall be exempt from performing military duty, working on the public highways, &c. ;

Which on his motion, was laid on the table.

Mr. Davis presented the petition of sundry citizens of Daviess county in relation to a state road therein named ; which on his motion, was referred to the committee on roads.

Mr. Davis presented the remonstrance of sundry citizens of Daviess county in relation to a state road therein named ; which on his motion, was referred to the committee on roads.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills and joint resolutions of the Senate, to-wit :

No. 23—An act to amend an act entitled "an act concerning proceedings in ejectment and for the relief of occupying claimants," app. Jan. 13, 1831 ;

No. 45—An act for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe ;

No. 63—A joint resolution appointing an agent to examine the state and condition of the State Bank and each and every branch thereof ;

No. 99—An act to fix the fees of sheriffs in certain cases ;

No. 100—An act for the relief of John W. Hitt and others ;

No. 105—An act to amend an act entitled "an act for the preservation of sheep," app. Jan. 25, 1841 ;

No. 123—An act giving further time to assessors ;

And have found the same correctly enrolled.

Mr. Harris from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit :

No. 59—An act for the relief of the members of the fire company No. 1, in Fort Wayne ;

No. 126—An act to incorporate the White river manufacturing company, in Daviess and Knox counties ;

No. 146—An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike ;

No. 149—An act to exempt probate judges from arrest ;

No. 166—An act to amend an act entitled "an act amendatory to the charter of Michigan city," app. Feb. 15, 1841 ;

No. 181—An act concerning petit jurors in the counties of Green, Daviess, Ripley, Adams, Jay, Crawford, and Pike ;

No. 185—An act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal east of Tippecanoe river ;

Also the following enrolled with the engrossed joint resolution of the House of Representatives, to-wit :

No. 237—A joint resolution for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the state prison ;

And have found the same correctly enrolled.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT:

The committee on enrolled bills have this day presented to the Governor for his signature and approval the following bills of the Senate to-wit:

No. 140—An act for the relief of the legal heirs of Chas. Phillips, deceased;

No. 150—An act giving certain authority to the Seminary trustees of the county of St. Joseph.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has on this [day] approved and signed the following acts:

No. 140—An act for the benefit of the legal heirs of Chas. Phillips, deceased;

No. 150—An act giving certain authority to the Seminary trustees of the county of St. Joseph:

Both of which originated in the Senate.

REPORTS FROM STANDING COMMITTEES.

Mr. Elliott made the following report:

MR. PRESIDENT:

The committee on elections to which was referred the petition of Joseph Hefner and others, praying for the disorganization of the county of Benton, and for other purposes, also the remonstrance of David McConnell and others, against the prayer of said petition, have according to order had the same under consideration and report that there is but about 80 voters in the county of Benton, a majority of whom have petitioned for a disorganization of the county. The county seat has not yet been located, and consequently no public buildings of any kind erected; and your committee cannot conceive it possible for so sparse and limited a population to erect the necessary public buildings and defray the expenses necessary and indispensable to an organized county.

Your committee have therefore instructed me to report the following bill:

No. 215—Relative to the county of Benton;

Read a first time, when,

On motion of Mr. Elliott,

The rules were suspended, the bill read a second and third times and passed.

Mr. Parker made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a communication from the Treasurer of State in reference to the management of the surplus revenue and other funds loaned by authority of the State, have had that subject under consideration, and they find some of said funds have been and are still very badly managed, and that considerable loss to the State is already the consequence, and much greater losses are anticipated, unless more care and a stricter accountability can be secured on the part of the agents and officers having duties to perform in reference to said funds. They therefore urgently recommend the passage of the bill herewith reported.

Bill No. 216—For the better regulation and management of certain trust funds loaned by authority of the State;

Read a first time and passed to a second reading on to-morrow.

Mr. Watts made the following report:

MR. PRESIDENT:

The standing committee on finance to which was referred the petition of E. S. Hawley, praying further time for the collection of part of the revenue of Ripley county for the year 1840, have had the same under consideration and have directed me to report the following bill and recommend its passage:

Bill No. 217—For the relief of Benjamin S. Hawley, former collector of Ripley county;

Read three several times (the rules being dispensed with) and passed.

Mr. Morgan made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred an engrossed bill of the House No. 95, have had the same under consideration and have directed me to report that it is unnecessary to legislate on the subject and ask to be discharged from the further consideration, and recommend the indefinite postponement of the bill.

The report was concurred in and the bill indefinitely postponed.

Mr. Stevenson made the following report:

MR. PRESIDENT:

The committee on finance to which a bill was referred entitled, a bill to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie Canal east of the mouth of the Tippecanoe river, app. Feb. 15, 1841, have according to order had the same under consideration and have directed me to report it back to the Senate and recommend its indefinite postponement.

The question being on the indefinite postponement of the bill,

The ayes and noes were demanded by Messrs. Morgan and Gregory:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carnan, Cornett, Davis, Elliott, Everts, Hatfield, Herriott, Hoover of Wayne, Kinzer, Miller, Moffatt, Morgan Mount, Nave, Nickel, Parker, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and West—35.

Those who voted in the negative were,

Messrs. Baird, Chamberlain, Collins, Dobson, Foster, Gregory, Harris, Herriman, Hoover of Tippecanoe, Parks, Sinclear, Walpole and Wright—13.

So the report was concurred in and the bill indefinitely postponed. Mr. Stevenson made the following report:

Mr. PRESIDENT:

The committee on finance, to which was referred a bill, No. 84, for the relief of owners of Indian reservation lands, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed. Mr. Watts made the following report:

Mr. PRESIDENT:

The standing committee on finance, to which was referred a communication from the collector of Daviess county, on the subject of collecting and paying over the state revenue of said county, have had the same under consideration, and while the committee admit all the difficulties to exist, set forth in said communication, yet they apply with equal power (and in some greater) to every county in the State; and owing to the advanced stage of the session and the multiplicity of business yet to be acted on, think that further legislation on this subject, at this time, inexpedient, and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged from the further consideration of the same.

Mr. Parker made the following report:

Mr. PRESIDENT:

The committee on finance, to whom was referred bill No. 96, of the Senate, amending an act entitled an act prescribing the duties of

county auditors, approved February 12, 1841, have had the same under consideration, and have directed me to report the same back and recommend its passage.

On motion of Mr. Gregory,

The bill was considered as engrossed, the rules suspended, read a third time and passed.

Mr. Moffatt made the following report:

Mr. PRESIDENT:

The committee on finance, to whom was referred bill No. 165, of the House of Representatives, entitled an act granting pre-emptions to settlers on lands selected for the Wabash and Erie canal, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its indefinite postponement.

The question being on concurring in the report and indefinite postponement of the bill,

The ayes and noes were demanded by Messrs. Gregory and Moffatt

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Burke, Carnan, Collins, Cornett, Herriott, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Pitcher, Reeve, Roberts, Stevenson and Watts—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Nickel, Parker, Parks, Read, Sands, Shanks, Sinclear, Tannehill, Walpole, West and Wright—29.

So the motion to indefinitely postpone did not prevail.

On motion of Mr. Baird,

Said bill was recommitted to a select committee.

Ordered, that Messrs. Baird, Sinclear and Wright compose said committee.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bills on their third reading :

Bill No. 75, of the House, to amend an act entitled an act authorising aliens and foreigners to hold real estate within the State of Indiana, approved January 14, 1838 ;

Bill No. 177, of the House, to repeal an act converting the sinking, saline, college, surplus revenue and State Bank funds into bank stock ;

Bill No. 183, of the House, to remove the disability of Mary Ann Brewner ;

Bill No. 204, of the House, to vacate a part of a certain state road therein named and to declare a certain portion of a county road a state road ;

Joint resolution No. 198, of the House, relative to the harbor of St. Joseph at Lake Michigan ;

Bill No. 196, of the House, to authorise an additional term of court in Dearborn county ;

Bill No. 158, to provide a penalty for the violation of a certain law therein named ;

All of which bills and joint resolution were severally read a third time and passed.

Bills on their second reading :

On motion of Mr. Dobson,

The Senate went into committee of the whole on the question pending, it being

Bill of the House No. 223, to provide for the construction of all or any portion of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer,

Mr. Berry in the chair ;

And after spending some time therein, the committee rose, when the chairman reported the amendments to the Senate and asked its concurrence therein.

Mr. Herriman moved that the Senate concur in the amendments offered by the committee to the aforesaid bill separately ;

Which motion did not prevail.

Mr. Collins moved that the Senate concur generally, excepting amendments Nos. 2 and 23 ;

Which motion prevailed.

The question being on concurring in amendment No. 2, as follows :

Insert after the word "estate," in section 4, 3d line, the words, "labor, materials or services," it was decided in the negative.

The question then recurring on concurring in amendment No. 23, as follows :

In the first line of section No. 71, strike out "Treasurer of State," and insert, "the Legislature shall elect by joint ballot by both Houses an agent,"

The ayes and noes were demanded by Messrs. Harris and Walpole.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Davis, Dobson, Everts, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Moffatt, Nickel, Parks, Read, Roberts, Sinclear, Stevenson, Tannehill, Walpole, Watts and West—29.

Those who voted in the negative were,

Messrs. Burke, Carnan, Collins, Cornett, Eggleston, Elliott, Gregory, Herriott, Hoover of Tippecanoe, Morgan, Mount, Nave, Parker, Reeve, Sands, Shanks, Sheets and Wright—18.

So the amendment was concurred in.

Mr. Nave moved to amend the first section of the bill as follows :

And when said works, or any one of them, or any part thereof, shall be taken by any company, under the provisions of this act, then and in that case the State shall be absolved from the payment of any damages or arrearages for work done [on] any such work so taken by said company, and said company shall be liable for all such damages.

On motion of Mr. Bright,

Said amendment was laid on the table.

Mr. Chamberlain moved to amend by adding to the last section of the bill as follows :

"And shall be subject to amendment or repeal at the pleasure of the Legislature."

Mr. Walpole moved to lay the amendment on the table ;

The ayes and noes were demanded by Messrs. Eggleston and Chamberlain.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bradley, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Mount, Nave, Parker, Reeve, Sinclear, Tannehill, Walpole, West and Wright—24.

Those who voted in the negative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Eggleston, Harris, Hatfield, Herriman, Kinzer, Miller, Morgan, Parks, Read, Roberts, Sands, Shanks, Sheets, Stevenson and Watts—23.

So the amendment was laid on the table.

Mr. Baird moved to amend by striking out so much of the bill as authorises the issue of scrip.

The ayes and noes were demanded by Messrs. Baird and ———.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Eggleston, Harris, Herriman, Kinzer, Miller, Morgan, Nave, Read, Roberts, Sands, Sheets, Stevenson and Watts—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Bradley, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of T., Hoover of Wayne, Moffatt, Mount, Nickel, Parker, Parks, Reeve, Sinclear, Tannehill, Walpole, West and Wright—26.

So the amendment was not adopted.

On motion of Mr. Stevenson,

The bill was amended as follows :

That the scrip issued under the provisions of this bill shall not be of a less denomination than five dollars.

Mr. Read moved to amend as follows :

The Legislature reserves the right to alter, amend or repeal this act whenever two-thirds of the members of both branches of the Legislature shall concur therein.

The ayes and noes were demanded by Messrs. Herriman and Harris.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Eggleston, Harris, Herriman, Kinzer, Miller, Morgan, Nave, Nickel, Parks, Read, Reeve, Roberts, Sands, Sheets, Stevenson and Watts—25.

Those who voted in the negative were,

Messrs. Aker, Angle, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Mount, Parker, Sinclear, Tannehill, Walpole, West and Wright—22.

So the amendment was adopted.

Mr. Carnan moved to amend by adding the following :

That it shall be lawful for any company of individuals to associate themselves together under the provisions of this act for the construction of improvements at the Grand Rapids of the Wabash river.

Mr. Herriman moved that the Senate adjourn ;

Which motion did not prevail.

The question then recurring on the adoption of Mr. Carnan's amendment, it was decided in the affirmative.

On motion

The Senate adjourned.

SATURDAY, JAN. 22, 1842.

- The Senate assembled.

The President laid before the Senate the following communication from Charles W. Cady, Esq., secretary of the Indiana Mutual Fire Insurance Company :

OFFICE OF THE INDIANA MUTUAL FIRE INSURANCE COMPANY, }
Indianapolis, January 21, 1842. }

HON. SAMUEL HALL,

President of the Senate:

SIR—In accordance with the twenty-second section of the act incorporating this company, I herewith hand you a copy of the report made by the directors to the members at the annual meeting held on Saturday, December 4, 1841.

Very respectfully,

Your obedient servant,

CHAS. W. CADY, Sec'y.

On motion of Mr. Collins,

Said report referred to in the above communication was referred to the committee on corporations.

The President laid before the Senate the following communication from G. W. Branham, Esq., on the subject of the Vernon Savings Institute :

OFFICE OF THE VERNON SAVINGS INSTITUTE, }
 Vernon, Ia., Jan. 1, 1842.

HON. SAMUEL HALL,

President of the Senate:

SIR—Herewith is transmitted the annual report of the Vernon Savings Institute, which you are respectfully requested to lay before the body over which you have the honor to preside.

Very respectfully,

Yours, &c.,

GEO. W. BRANHAM.

On motion of Mr. Collins,

Said communication was referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Defrees, a member:

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed an engrossed bill thereof, entitled, an act for the relief of the purchasers of lands at school commissioners' sale in St. Joseph county, and to respectfully ask the concurrence of the Senate therein.

Said bill was read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives by Mr. Defrees, a member:

MR. PRESIDENT:

I am directed by the House to inform the Senate that it has passed an engrossed joint resolution of the Senate, No. 2, entitled "a joint resolution on the subject of a resumption of specie payments and other purposes, with one amendment, and to respectfully ask the concurrence of the Senate therein.

Mr. Morgan moved that the Senate disagree to the amendment of the House to joint resolution of the Senate in said message.

The ayes and noes were demanded by Messrs. Harris and Shanks:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Blair, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Cornett, Dobson, Elliott,

Everts, Foster, Gregory, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Parker, Parks, Pitcher, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright—40.

Those who voted in the negative were,

Messrs. Baird, Bradley, Collins, Davis, Herriott, Hoover of Tippecanoe, Nickel and Read—8.

So the motion to disagree prevailed.

The following message was received from the House of Representatives by Mr. Marshall, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed the following bill thereof, to-wit:

No. 96—An act to pay the contractors on the Madison and Indianapolis Railroad;

Also a joint resolution thereof,

No. 329—A joint resolution to prevent any further expenditures on the Madison and Indianapolis Railroad,

In which the concurrence of the Senate is respectfully requested.

Bill No. 96 in said message [was] read a first and second times (the rules being dispensed with) when,

Mr. Bright moved to refer said bill to the committee on canals and internal improvements.

Mr. Stevenson moved to amend the motion by striking out internal improvements and insert "finance."

Which motion did not prevail.

The question recurring on Mr. Bright's motion to commit to the committee on canals and internal improvements,

It was decided in the affirmative.

On motion of Mr. Parker,

The committee were instructed to inquire into the expediency of making similar provisions for the payment of all contractors upon the White Water Canal.

Joint resolution No. 329 in said message [was] read a first time, when,

On motion of Mr. Gregory,

The rules were suspended and the bill read a second time.

Mr. Bright moved to commit said joint resolution to the committee on canals and internal improvements.

Mr. Chamberlain moved to instruct as follows:

"That it shall be a penitentiary offence to violate the provisions of said joint resolution."

Mr. Bright called for a division of the question.

The question then being on committing to the aforesaid committee, It was decided in the affirmative.

The question recurring on the adoption of the instructions proposed by Mr. Chamberlain,

It was decided in the affirmative.

Mr. Watts moved to instruct said committee as follows:

"And also to inquire if a company to which State bonds were transferred under a pretended contract with the fund commissioner are not liable to said contractors for the amount of their work done since they were ordered to suspend.

Which motion did not prevail.

The following message was received from the House of Representatives by Mr. Brown their principal clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, the following bills of the Senate:

No. 198—An act relative to a State road in Washington and Clark counties;

No. 208—An act for the relief of the trustees of the Mount Salem church, in Monroe county;

No. 211—An act to amend an act entitled an act relative to the surplus revenue of Carroll county, approved Feb. 10, 1841;

No. 212—An act relative to the public square in the town of Evansville, in Vanderburgh county;

No. 217—An act for the relief of Ebenezer S. Hawley, former collector of Ripley county;

Also, the following joint resolution of the Senate:

No. 200—A joint resolution in relation to the Wabash and Erie Canal lands.

Also, the following bills of the Senate with amendments:

No. 31—An act applying certain funds to purposes of education;

No. 77—An act to amend an act entitled an act for the regulation of the State Prison, app. Feb. 3, 1841.

In which the concurrence of the Senate is respectfully requested.

The House has concurred in amendments of the Senate to bills of the House as follows, to-wit:

No. 75—An act to amend an act entitled an act authorizing aliens and foreigners to hold real estate within the State of Indiana, approved January 14, 1818;

No. 269—An act to amend an act entitled an act to fix the times of holding courts in the 5th judicial circuit, app. Jan. 30, 1840;

Also the following joint resolution, to wit:

No. 242, a joint resolution authorizing the board of internal improvement to settle with contractors.

The House disagrees to amendment of the Senate to bill of the House entitled as follows:

No. 208, an act defining the southern boundary of Miami county and to organize Tipton county.

The House further disagrees to the 1st, 2d, 3d, 4th and 9th amendments and concurs with amendments to the 5th, 6th and 8th amendments and without amendment to the 7th amendment of the Senate to bill of the House.

No. 44, an act entitled an act for the relief of the borrowers of the surplus revenue and other funds.

The House continues to disagree to the 1st amendment of the Senate to bill of the House No. 11, authorizing the issue of \$5 treasury notes for the redemption of the \$50 treasury notes now in circulation, and have appointed Messrs. Henley and Hannegan a committee of free conference on the part of the House, and respectfully request the appointment of a similar committee on the part of the Senate, to take into consideration the subject matter of disagreement.

The House has passed the following bills thereof, to wit:

No. 182, an act to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841;

No. 214, an act to amend an act locating a certain state road therein named;

No. 218, an act to amend an act entitled an act to incorporate the trustees of the Daviess county seminary;

No. 248, an act to amend an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837;

No. 249, an act to amend an act to incorporate the Lawrenceburgh and Napoleon turnpike company;

No. 274, an act to incorporate the Peru bridge company;

No. 278, an act to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;

No. 306, an act to legalize the assignment of certain certificates of purchase of school lands in Hancock county;

No. 310, an act to provide for the summoning and empanneling grand and petit jurors in certain counties therein named;

No. 312, an act to direct the fencing of the grave yard on the poor farm in Marion county;

No. 313, an act regulating the jurisdiction of justices of the peace in Spencer county;

No. 314, an act changing the time of holding probate courts in Clay county;

No. 315, an act to extend the provisions of an act for the preservation of sheep to the county of Delaware;

No. 316, an act to amend an act entitled an act to provide for the mode of doing township business in Miami county, approved December 24, 1840;

No. 318, an act supplemental to an act entitled an act to amend an act entitled an act authorizing the appointment of constables and defining their duties;

No. 320, an act to locate a state road in Clay county;

No. 322, an act to provide for refunding money paid by certain purchasers of lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes ;

No. 323, an act to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named ;

No. 324, an act for the relief of Abraham Perkins, collector of the State and county revenue for the county of Daviess, in the year 1840 ;

No. 321, an act concerning the Union county seminary ;

No. 326, an act for the relief of the late collectors of the State and county revenue of Orange county for the year 1839 and 1840 ;

No. 337, an act to authorize John Bates and Jared A. Ball & Company to build a mill dam across the Little St. Joseph river in DeKalb county ;

No. 331, an act to incorporate the Jefferson fire engine and hose company, No. 1 ;

No. 334, an act declaring a county road a state road in the counties of Owen, Clay and Putnam ;

No. 339, an act to authorize the board doing county business in the county of Tippecanoe, to establish additional ferries therein named.

No. 340, an act for the relief of the late collector of Fayette county ;

No. 341, an act for the benefit of a private school in Marion county ;

No. 343, an act appointing bridge commissioners in the counties of Spencer and Perry and defining their duties ;

No. 345, an act to authorize the children of Joseph Richardville to inherit the property of their ancestors ;

No. 346, an act to prevent the use or adoption of the county seminary in the county of Franklin, as a district school house and for other purposes ;

No. 347, an act to amend an act supplemental to an act for the appointment of trustees to receive deeds for lots on land given or purchased for the use of schools, meeting houses, or masonic lodges, approved February, 10, 1831, approved February 16, 1839 ;

In which several bills the concurrence of the Senate is respectfully requested.

The Speaker of the House of Representatives has signed the following enrolled bills thereof, to wit :

No. 59, an act for the relief of the members of fire company No. 1, in Fort Wayne ;

No. 126, an act to incorporate the White river manufacturing company in Daviess and Knox counties ;

No. 146, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike ;

No. 149, an act to exempt probate judges from arrest ;

No. 166, an act to amend an act entitled an act amendatory to the charter of Michigan city, approved February 15, 1841 ;

No. 181, an act concerning petit jurors in certain counties therein named ;

No. 185, an act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal, east of the Tippecanoe river ;

Also the following joint resolution of the House :

No. 237, a joint resolution for the relief of Samuel H. Patterson and Benjamin Hensley late superintendents of the State Prison ;

Also the following enrolled bills of the Senate, to wit :

No. 23, an act to amend an act concerning ejectments and for the relief of occupying claimants of land," approved January 13, 1831 ;

No. 45, an act for the further relief of purchasers of the seminary lands in the counties of Gibson and Monroe ;

No. 99, an act to fix the fees of sheriffs in certain cases ;

No. 100, an act for the relief of John W. Hitt and others ;

No. 105, an act to amend an act entitled an act for the preservation of sheep, approved January 25, 1841 ;

No. 123, an act giving further time to assessors ;

Also the following joint resolution of the Senate :

No. 63, a joint resolution appointing an agent to examine the state and condition of the State Bank and each and every branch thereof ;

Which I am instructed by the House to bring to the Senate for the signature of the President thereof ;

Whereupon the President of the Senate signed the same.

Bill No. 77, in said message as amended by the House,

Read a first time.

Mr. Read moved to amend the amendment by adding to the 12th section as follows :

The steward aforesaid shall be selected by the physician, who shall be under the control of said physician.

On motion of Mr. Berry,

Said bill and amendments were laid on the table.

Mr. Read moved to take the aforesaid bill and amendment from the table ;

Which motion prevailed.

The question recurring on the amendment proposed by Mr. Read, it was decided in the affirmative.

Mr. Read moved to amend as follows :

Strike out so much of the 14th section as fixes the clerk's salary at \$600 and insert \$800 in lieu thereof.

The ayes and noes were demanded by Messrs. Read and Walpole :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Blair, Bright, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornett, Elliott, Everts, Foster, Gregory, Harris, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Morgan, Mount, Nave, Parker, Read, Shanks, Sheets, Sinclear, Watts, West and Wright.—33.

Those who voted in the negative were,

Messrs. Berry, Bradley, Davis, Dobson, Hatfield, Herriman, Moffatt, Nickel, Parks, Reeve, Roberts, Sands, Tannehill and Walpole.—14.

So the amendment prevailed.

Mr. Read moved to amend by striking out the 14th section of said bill as amended by the House ;

Which motion prevailed.

Mr. Davis moved to lay the bill and amendments on the table.

Which motion did not prevail.

Mr. Cornett moved to indefinitely postpone the amendments to said bill.

The ayes and noes were demanded by Messrs. Read and Davis:

Those who voted in the affirmative were,

Messrs. Angle, Berry, Blair, Bradley, Burke, Cornett, Davis Herriman, Herriott, Hoover of W., Moffatt, Morgan, Mount, Nave, Nickel, Reeve, Tannehill, Walpole, Watts, and West—20.

Those who voted in the negative were,

Messrs. Aker, Baird, Bright, Carr of J., Carr of L., Carnan, Collins, Dobson, Eggleston, Everts, Foster, Gregory, Harris, Hatfield, Hoover of T., Kinzer, Miller, Parker, Read, Roberts, Sands, Shanks, Sheets, and Wright—24.

So the motion to indefinitely postpone did not prevail.

Mr. Read moved to strike out the 14th section and insert in lieu thereof the following:

Sec. —. That the physician shall be allowed one hundred dollars in addition to his present salary.

Which motion did not prevail.

The question recurring on agreeing to the amendment of the House as amended,

It was decided in the affirmative.

Mr. Chamberlain moved to dispense with the message pending, for the purpose of taking up the orders of business:

Which motion prevailed.

On motion of Mr. Cornett,

The rules were suspended and leave granted him to introduce bill No. 219—To amend an act entitled an act to provide for the improvement of the Michigan road, approved Feb. 13, 1841;

Read three several times (the rules being dispensed with) and passed.

On motion of Mr. Aker,

The orders of business were further dispensed with and leave granted him to introduce bill

No. 220—Regulating the jurisdiction of justices of the peace in the county of Jay;

Read three several times (the rules being dispensed with) and passed.

On motion of Mr. Chamberlain,

The orders of business were further dispensed with and leave granted him to make the following report:

Mr. Chamberlain moved that the orders of business be further dispensed with, and leave granted him to introduce a bill,

Which motion did not prevail.

On motion of Mr. Collins,

The message from the House was again taken up, and the Senate decided to insist on their amendments to the bill of the House No. 208 in said message.

Bill No. 44 in said message was taken up.

Mr. Baird moved that the Senate recede from their amendment to the aforesaid bill of the House.

The ayes and noes were demanded by Messrs. Herriman and Walpole:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bright, Carnan, Cornett, Dobson, Foster, Gregory, Herriott, Hoover of Tippecanoe, Kinzer, Moffatt, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill and Walpole—22.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Davis, Elliott, Everts, Harris, Hatfield, Herriman, Hoover of Wayne, Miller, Morgan, Mount, Parker, Read, Reeve, Sands, Stevenson, Watts, West and Wright—25.

So the motion to recede did not prevail.

Mr. Elliott moved that the Senate insist on their amendments to the aforesaid bill.

The ayes and noes were demanded by Messrs. Dobson and Gregory:

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Elliott, Everts, Harris, Hatfield, Herriman, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Parker, Read, Reeve, Sands, Stevenson, Watts and West—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Carnan, Davis, Dobson, Foster, Gregory, Herriott, Hoover of Tippecanoe, Moffatt, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Sinclear, Tannehill, Walpole, and Wright—21.

So the motion to insist prevailed.

The following message, received from the House of Representatives by Mr. Defrees, a member, was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that they insist on their amendment to the joint resolution of the Senate number 2, entitled, a joint resolution on the subject of a resumption of specie payments and other purposes.

Mr. Carnan moved that the Senate insist on their disagreement to the amendment of the House to joint resolution named in said message.

Which motion prevailed, when.

On motion of Mr. Carnan,

A committee of free conference was appointed on the part of the Senate, to act with a similar committee on the part of the House for the purpose of taking into consideration the subject matter of disagreement.

Ordered that Messrs. Chamberlain and Carnan compose said committee.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled,

And resumed the consideration of the question pending in the orders of the day on adjournment yesterday, it being

Bill No. 223 of the House, for the prosecution of the public works, &c.

On motion of Mr. Carnan,

Said bill was amended by striking out the 77th section and inserting the following in lieu thereof.

"The Treasurer, Secretary, and Auditor of State shall constitute a board who shall, once in two years, revise and regulate the acts of the directors of such associations, fixing the rates of tolls and water rents upon the works or part of works finished under the provisions of this bill, as well as such parts as have been finished by the State."

On motion of Mr. Sands,

The 78th section was amended as follows:

"Provided, however, That nothing in this act shall be so construed as in any way to compensate any officer or officers created under the provisions of this act, out of moneys in any way belonging to the Treasury of the State, nor to pay out of said Treasury any moneys for any purpose, calculated to carry into effect the provisions of this act, except the commissioner provided for in the 66th and the agent in the 68th and 71st sections, who shall be compensated agreeably to the provisions of this act."

On motion of Mr. Wright,

The 67th section of said bill was amended by striking out the words "Tippecanoe river" and insert the word "Lafayette" in lieu thereof.

Mr. Gregory moved to amend the bill by adding the following as an additional section:

SEC. — It shall be lawful for the Richmond and Brookville Canal Company, at any time after complying with the requisitions of this charter, at their pleasure to prosecute said canal to completion under the provisions of this act, in all respects as herein provided.

Mr. Walpole moved to lay said amendment on the table.

Which motion did not prevail.

The question recurring on its adoption,

It was decided in the affirmative.

Mr. Berry moved to amend the 47th section of said bill as follows:

In the 4th line of said section, after the word "exceed" insert the words "three-fourths of."

Mr. Baird moved to amend the amendment as follows:

In the fourth line of the 47th section, before the word "amount" insert the words "one half of the."

Mr. Bright called the previous question.

Mr. Harris moved to lay the bill and amendments on the table.

The ayes and noes were demanded by Messrs. Chamberlain and Harris:

Those who voted in the affirmative were,

Messrs. Baird, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Kinzer, Miller, Morgan, Roberts, Sands, Stevenson and West—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Mount, Nave, Nickel, Parker, Parks, Reeve, Shanks, Sinclear, Tannehill, Walpole, West and Wright—29.

So the motion to lay on the table failed.

Mr. Harris moved that there be a call of the Senate.

The ayes and noes were demanded by Messrs. Chamberlain and Harris:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Bradley, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Hoover of Tippecanoe, Miller, Moffatt, Morgan, Nave, Parks, Read, Reeve, Roberts, Sands, Shanks and Watts—24.

Those who voted in the negative were,

Messrs. Angle, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Wayne, Kinzer, Nickel, Parker, Sinclear, Stevenson, Tannehill, Walpole, West and Wright—21.

So the motion prevailed.

Mr. Harris moved that the absent members be sent for.

The ayes and noes were demanded by Messrs. Harris and Chamberlain:

Those who voted in the affirmative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Miller, Moffatt, Morgan, Nave, Parks, Reeve, Roberts, Sands, Sheets and Watts—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Bradley, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Mount, Nickel, Parker, Shanks, Sinclear, Stevenson, Tannehill, Walpole, West and Wright—26.

Which motion did not prevail.

On motion of Mr. Watts,

A further call of the Senate was dispensed with.

The question recurring on seconding the call for the previous question,

The ayes and noes were demanded by Messrs. Harris and —

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Mount, Nickel, Parker, Parks, Shanks, Sinclear, Tannehill, Walpole and West—24.

Those who voted in the negative were,

Messrs. Baird, Berry, Bradley, Carr of Jackson, Carr of Lawrence,

Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Miller, Moffatt, Morgan, Nave, Reeve, Roberts, Sands, Sheets, Stevenson, and Watts—21.

So the call was seconded.

The question then being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Chamberlain and Herriman:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bradley, Bright, Burke, Carnan, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Mount, Nickel, Parker, Parks, Reeve, Shanks, Sinclear, Tannehill, Walpole, West and Wright—27.

Those who voted in the negative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Dobson, Harris, Herriman, Miller, Moffatt, Morgan, Nave, Roberts, Sands, Sheets, Stevenson and Watts—19.

So the question prevailed.

The main question being put, shall the amendments be engrossed and the bill as amended read a third time?

The ayes and noes were demanded by Messrs. Herriman and Chamberlain:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Carnan, Collins, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Mount, Nickel, Parker, Parks, Reeve, Roberts, Shanks, Sinclear, Tannehill, Walpole, West and Wright—30.

Those who voted in the negative were,

Messrs. Baird, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Dobson, Harris, Herriman, Kinzer, Miller, Morgan, Nave, Read, Sands, Sheets, Stevenson and Watts—17.

So the amendments were ordered to be engrossed and the bill read a third time now.

Mr. Walpole moved that the rules be suspended, the amendments considered as engrossed and the bill as amended read a third time now.

The ayes and noes were demanded by Messrs. Herriman and Baird:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bradley, Bright, Burke, Carnan, Collins,

Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Mount, Nickel, Parker, Reeve, Sinclear, Stevenson, Tannehill, Walpole, West and Wright—26.

Those who voted in the negative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Dobson, Harris, Herriman, Kinzer, Miller, Moffatt, Morgan, Nave, Parks, Read, Roberts, Sands, Shanks, Sheets and Watts—21.

So the motion to suspend prevailed.

Mr. Berry moved to commit the bill to a select committee with instructions to strike out of the fourth line in the 47th section the words "the amount of" and insert the following: "two-thirds of the appraised value of such lands after deducting all perishable improvements" in lieu thereof.

Mr. Walpole moved to lay said motion and instructions on the table.

The ayes and noes were demanded by Messrs. Berry and Chamberlain.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Bradley, Bright, Burke, Carnan, Collins, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Wayne, Kinzer, Moffatt, Mount, Nickel, Parker, Reeve, Sands, Shanks, Sinclear, Tannehill, Walpole, West and Wright—28.

Those who voted in the negative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Dobson, Harris, Herriman, Miller, Morgan, Nave, Parks, Read, Roberts, Sheets, Stevenson and Watts—18.

So the motion prevailed.

The question then being, Shall the bill pass?

The ayes and noes were demanded by Messrs. Herriman and Chamberlain.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Berry, Bradley, Bright, Burke, Carnan, Collins, Davis, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Moffatt, Mount, Nickel, Parker, Parks, Reeve, Shanks, Sinclear, Tannehill, Walpole, West and Wright—29.

Those who voted in the negative were,

Messrs. Baird, Carr of Jackson, Carr of Lawrence, Chamberlain,

Cornett, Dobson, Eggleston, Harris, Herriman, Kinzer, Miller, Morgan, Nave, Read, Roberts, Sands, Sheets, Stevenson, and Watts—19.

So the bill passed.

Mr. Sheets moved that the Senate now adjourn;

Which motion did not prevail.

Bill No. 182, to legalise the election of trustees of the town of Ve-vay, Indiana;

Read a second time and passed to a third reading.

Bill No. 183, to provide for the sales of certain lands returned to school commissioners for the non-payment of taxes thereon;

Read a second time, and,

On motion of Mr. Wright,

Referred to the committee on education.

Bill No. 186, to legalise the acts of the president and trustees of the town of Greencastle;

Read a second and third times (the rules being dispensed with) and passed.

Bill No. 187, declaring a certain word a misprint and for other purposes, relative to the county of Orange;

Read a second time.

Mr. Stevenson moved that the rules be suspended and the bill read a third time now;

Which motion did not prevail.

The bill was then ordered to a third reading on Monday next.

Bill No. 188, attaching Morgan county to the tenth judicial circuit and for other purposes;

Read a second time, and,

On motion of Mr. Parks,

Referred to a select committee.

Ordered, that Messrs. Parks, Angle and Hatfield compose said committee.

Bill No. 189, for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased;

Read a second time and passed to a third reading on Monday next.

Bill No. 190, to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

Read a second time, and,

On motion of Mr. Dobson,

Referred to the committee on corporations.

Bill No. 191, to legalise the acts and proceedings of the board doing county business in the county of Tippecanoe, and for other purposes;

Bill No. 192, to vacate a certain state road in the county of St. Joseph;

Bill No. 193, for the relief of Elizabeth Ann McConnehay, alias Elizabeth Ann Holmes.

All of the aforesaid bills were read a second time and ordered to be engrossed for a third reading on Monday next.

Bill No. 194, to allow a stay of execution in certain cases;

Read a second time.

Mr. Gregory moved to indefinitely postpone said bill.

The ayes and noes were demanded by Messrs. Dobson and Herri-
man.

Those who voted in the affirmative were,

Messrs. Baird, Burke, Carr of Lawrence, Chamberlain, Collins, Elli-
ott, Everts, Gregory, Hatfield, Hoover of Wayne, Miller, Mount, Nave,
Parker, Read, Roberts, Shanks, Sheets, Stevenson and Wright—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Bradley, Carr of Jackson, Carnan, Davis,
Dobson, Foster, Harris, Herriman, Herriott, Hoover of Tippecanoe,
Kinzer, Moffatt, Morgan, Nickel, Parks, Reeve, Sands, Sinclear, Tan-
nehill, Walpole, Watts and West—25.

So the motion did not prevail.

Mr. Carnan moved to amend by striking out the words "eight
months" and inserting "twelve months" in lieu thereof.

Mr. Gregory moved to strike out "twelve months" and insert
"five years" in lieu thereof.

Mr. ——— moved to lay the amendment to the amendment on the
table.

Mr. Gregory moved to amend the amendment by laying the bill and
amendments on the table ;

Which motion prevailed ;

And the bill and amendments were laid upon the table.

Mr. Bright moved that the orders of business be suspended and
leave granted him to make a report from a select committee ;

Which motion did not prevail.

Bill No. 257, of the House, to confine voters to their respective
townships in certain counties therein named.

Read a second time, and,

On motion of Mr. Hoover,

Amended by striking out the county of "Tippecanoe."

On motion of Mr. Chamberlain,

The county of "Elkhart" was also struck out.

The bill was then ordered to a third reading on Monday next.

Bill No. 266, of the House, to provide for the electing petit jurors
in Laporte county ;

Read a second time and passed to a third reading.

Bill No. 196, to amend an act granting to the citizens of Madison
and the town of Lawrenceburgh a city charter ;

Read a second time, and,

On motion of Mr. Morgan,

Referred to the committee on corporations.

Bill No. 197, to provide for increasing the stock of the private
stockholders in the South Bend Branch of the State Bank ;

Read a second time.

Mr. Elliott moved to amend the first section as follows :

" *Provided, however,* That the said stock paid for by the sinking
fund shall be subject to taxation as other stock that may have been
fully paid in ; "

Which was adopted.

The bill was then ordered to be engrossed for a third reading on
to-morrow.

Bill No. 199, for the location of a certain state road therein named ;

Bill No. 202, to authorise the board of trustees of the county sem-
inary of Tippecanoe county to sell and convey certain real estate
therein named ;

Both of the aforesaid bills [were] read a second time, ordered to
be engrossed and read a third time on Monday next.

Bill No. 203, supplemental to an act for the continuation of the
Wabash and Erie canal west of Tippecanoe river ;

Read a second time.

Mr. Gregory moved to commit said bill to the committee on ca-
nals and internal improvements ;

Which motion did not prevail.

Mr. Gregory moved to strike out so much of said bill as relates
to the "security of contractors."

Mr. Moffat moved to lay the bill and amendment on the table ;

Which motion did not prevail.

Mr. Dobson moved to refer the aforesaid bill to a select commit-
tee ;

Which motion did not prevail.

The question then recurring on the adoption of Mr. Gregory's
amendment, it was decided in the negative.

On motion of Mr. Dobson,

Said bill was referred to the committee on corporations.

Bill No. 205, amendatory of the act relative to crimes and pun-
ishments ;

Read a second time, and,

On motion of Mr. Read,

Was amended by inserting after the words "bank notes" the word
"check," wherever it occurs.

Mr. Gregory moved to refer said bill to the judiciary committee ;

Which motion did not prevail.

The bill was then ordered to be engrossed and read a third time
on Monday next.

Bill No. 206, further to amend an act entitled an act for the pre-
vention of frauds and perjuries, approved January 24, 1831 ;

Read a second time.

On motion of Mr. Angle,

Said bill was amended by inserting the word "clerk" after the
words "notary public or."

The bill was then ordered to be engrossed for a third reading on
to-morrow.

Bill No. 302, to vacate Duret street in the Godfrey addition to the
town of Peru ;

Read a second time and passed to a third reading on Monday next.
Bill No. 216, for the better regulation and management of certain trust funds loaned by authority of the State.

Mr. Miller moved to amend as follows:

That the compensation to loaning agents shall hereafter be one and a half per cent. per annum on the amount of loans in his agency, to be retained out of the annual interest paid by each borrower respectively, in proportion to the amount of such loan;

Which motion did not prevail.

On motion,

The Senate adjourned.

MONDAY, JAN. 24, 1842.

The Senate assembled.

On motion of Mr. Davis,

The reading of Saturday's journal was dispensed with.

On motion of Mr. Morgan,

The orders of business were suspended and leave granted him to introduce a petition from sundry citizens of Decatur county, praying that a portion of said county therein named, be attached to the county of Jennings;

Which, on his motion, was laid on the table.

Mr. Wright moved that the vote taken on receding from the amendment of the Senate to the bill of the House, No. 44, for the relief of the borrowers of the sinking fund, surplus revenue, and other funds, and for the better securing the payment thereof be reconsidered:

Mr. Parker moved that there be a call of the Senate.

Which motion prevailed.

On motion of Mr. Baird,

A further call of the Senate was dispensed with.

The question recurring on the motion of Mr. Wright;

The ayes and noes were demanded by Messrs. Herriman and Watts:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Burke, Carnan, Davis, Dobson, Everts, Foster, Gregory, Herriott, Kinzer, Moffatt, Nave, Nickel, Parks, Pitcher, Shanks, Sheets, Tannehill, and Wright—21.

Those who voted in the negative were,

Messrs. Berry, Blair, Bradley, Bright, Carr of J., Carr of L., Collins, Cornett, Elliott, Harris, Hatfield, Herriman Hoover of T., Hoover of W., Miller, Morgan, Mount, Parker, Read, Reeve, Roberts, Sands, Stevenson, Walpole, and Watts—25.

So the motion to reconsider did not prevail.

On motion of Mr. Herriman,

The Senate disagreed to the amendments of the House to the amendments of the Senate to the aforesaid bill.

The Senate resumed the consideration of the message from the House of Representatives of Saturday last.

Mr. Elliott moved that a committee of free conference be appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives, to take into consideration the subject matter of disagreement of bill No. 11, of the House in said message.

Which motion prevailed.

Ordered, that Messrs Chamberlain and West compose said committee.

Bill No. 31 in said message,

Was taken up, when

On motion of Mr. Baird,

The Senate disagreed to the amendment of the House to said bill. Bills Nos. 182, 214, 218, 248, 249, 274, 278, 306, 312, 313, 314, 315, 316, 318, 320, 322, 323, 325, 326, 337, 331, 334, 339, 340, 341, 343, and 345, in the aforesaid message, were severally read a first time and passed to a second reading on to-morrow.

Bill No. 310, in said message;

Read a first and second times, the rules being dispensed with, when

On motion of Mr. Gregory,

Said bill was amended by striking out the county of Montgomery from its provisions.

On motion of Mr. Sands,

The county of Orange was inserted.

On motion of Mr. Bradley

The county of Parke was struck out.

On motion of Mr. Miller,

The county of Dubois was struck out.

The bill was then ordered to a third reading on to-morrow.

Bill No. 324, in said message, read a first time; when

On motion of Mr. Davis,

The rules were suspended, the bill read a second time and ordered to a third reading on to-morrow;

Bill No. 346, in said message read a first time; when

On motion of Mr. Mount,

The rules were suspended and the bill read a second time now;

Ordered to a third reading on to-morrow;

Bill No. 347, in said message, read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House continues to adhere to its disagreement to the amendments of the Senate to bill of the House, No. 208, entitled an act defining the southern boundary of Miami county and to organize Tipton county; and have appointed Messrs. Cogswell and Robinson of Carroll, a committee of free conference on the part of the House to act with a similar committee; which the House requests may be appointed on the part of the Senate, to take into consideration the subject matter of such disagreement.

On motion of Mr. Wright

A committee of free conference was appointed on the part of the Senate to take into consideration, (in conjunction with a similar committee on the part of the House,) the subject matter of disagreement.

Ordered that Messrs. Wright and Foster, compose said committee.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has, in accordance with the request of the Senate, appointed Messrs. Defrees and Brown of M., a committee of free conference on the part of the House to act with a similar committee appointed on the part of the Senate to take into consideration the subject matter of the disagreement of the two Houses in relation to the joint resolution of the Senate, No. 2, entitled a joint resolution on the subject of a resumption of specie payments, and for other purposes.

The following message was received from the House of Representatives, by Mr. Brown, their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate without amendment, to wit:

No. 89, an act to incorporate the Martinsville band of musicians;

No. 90, an act to repeal an act entitled an act to authorize Thomas S. Hinde to establish a ferry therein named;

No. 92, an act to prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent;

No. 98, an act to amend an act entitled an act to incorporate the

city of Richmond, Wayne county, Indiana, approved February 24, 1840;

No. 104, an act to authorize agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State;

No. 116, an act concerning criminal practice;

No. 127, an act to vacate a part of the town of Crawfordsville;

No. 137, an act to incorporate the Vincennes Historical and Antiquarian Society;

No. 143, an act to amend an act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8, 1836;

No. 149, an act to amend an act relating to public roads and highways;

No. 154, an act to incorporate the trustees of the New Albany Theological seminary;

No. 155, an act to vacate certain lots in the town of Edinburgh, Johnson county;

No. 176, an act relative to the duties of the commissioner of the three per cent. fund;

Also the following joint resolutions of the Senate without amendment, to wit:

No. 112, a joint resolution authorizing the distribution of the revised laws of 1838 to Randolph county;

No. 113, a joint resolution in relation to the Indiana University.

The House has passed with amendment bill of the Senate,

No. 111, an act for the better securing of the college and seminary funds arising from the lands in Gibson and Monroe counties;

In which the concurrence of the Senate is respectfully requested.

The House has concurred in amendments of the Senate to amendment of the House to bill of the Senate

No. 77, an act to amend an act entitled an act for the regulation of the State Prison, approved February 3, 1841.

The House has passed engrossed bills thereof as follows:

No. 210, an act for the location of the seat of justice in the county of Benton;

No. 219, an act to amend an act entitled an act to amend an act entitled an act relating to public roads and highways, approved February 7, 1838;

No. 221, an act to amend an act entitled an act to establish seats of justice in new counties, approved January 14, 1824;

No. 220, an act declaring a certain name a misprint and for other purposes;

No. 224, an act to amend an act concerning insane persons, approved January 22, 1818;

No. 225, an act for the election of a justice of the peace in St. Louis, Bartholomew county;

No. 226, an act to amend an act declaring Patoka a public highway and for other purposes;

No. 227, an act to regulate the summoning of petit jurors in Dearborn county ;

No. 230, an act to authorize the board of county commissioners of Kosciusko county to rescind an order by them made ;

No. 231, an act to authorize the building of a towing path bridge across the Wabash river at Carrollton, Carroll county and for other purposes ;

No. 346, an act to amend the act regulating damages on protested bills of exchange ;

No. 254, an act to declare a certain road in Wabash county a state road ;

No. 255, an act leasing out the water power at Wabash dam No. 4, in Carroll county ;

No. 256, an act to provide for a state road therein named ;

No. 240, an act to authorize the administrator of Matthew H. Kempton, to bring certain suits in Perry county ;

No. 244, an act to legalize the board of commissioners of Spencer county, with respect to the surplus revenue deposited in said county ;

No. 261, an act to amend an act to incorporate the town of Newport, Wayne county ;

No. 262, an act for the relief of Solomon Russell, late collector of Lake county and his securities,

No. 263, an act for the relief of John Tate ;

No. 272, an act relative to licensing groceries in the county of Carroll ;

No. 273, an act to vacate part of Grimes' addition to the town of Delphi, Carroll county ;

No. 275, an act to amend an act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, Washington county ;

No. 280, an act relative to the board of commissioners of Knox county ;

No. 281, an act amending an act entitled "an act directing the mode of suing out and prosecuting writs of *habeas corpus* ;

No. 288, an act to incorporate the New Albany patent bagging manufacturing company ;

No. 289, an act for the relief of John Brown ;

No. 290, an act to provide for electing an additional justice of the peace in Silver creek township, Clark county ;

No. 294, an act for the benefit of Blackford county ;

No. 297, an act for the location of a state road in the county of Brown ;

No. 299, an act taxing individual stock in the several branches of the State Bank of Indiana ;

No. 311, an act to incorporate the Hoosier Company of Clark county ;

No. 333, an act to change the mode of doing county business in the county of Washington ;

No. 338, an act to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes ;

No. 351, an act for the relief of the school commissioner of Greene county ;

No. 357, an act to repeal an act therein named ;

No. 359, an act to amend an act incorporating the city of Logansport, approved February 17, 1838 ;

No. 360, an act for the relief of Sarah Smith of Greene county ;

No. 362, an act supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837 ;

No. 363, an act to exempt the lands of revolutionary soldiers from taxation ;

No. 368, an act to provide for the assessor of the county of Harrison to qualify ;

Also the following joint resolution, to wit :

No. 336, a joint resolution designating the same day throughout the United States for the election of President and Vice President ;

In which the concurrence of the Senate is respectfully requested.

J. F. BROWN, *Principal Clerk of H. R.*

Bills No. 219, 220, 221, 224, 225, 227, 230, 246, 254, 255, 256, 240, 244, 261, 263, 280, 273, 275, 281, 288, 289, 290, 294, 297, 299, 311, 333, 338, 351, 357, 359, 362, 363 and 368 in said message were severally read a first time and passed to a second reading.

Bill No. 255, in said message read a first time ; when

On motion of Mr. Harris,

The rules were suspended, the bill read a second time and referred to the committee on canals and internal improvements.

Bill No. 111, in said message as amended by the House, was concurred in.

Bill No. 210, in said message read a first time ; when

On motion of Mr. Cornett,

The rules were suspended and the bill read a second time now.

Mr. Herriman moved to lay said bill on the table ;

Which motion prevailed.

Bill No. 266, in said message read three several times, the rules being dispensed with (on motion of Mr. Miller,) and passed.

Bill No. 231, in said message read a first time ; when

On motion of Mr. Harris

The rules were suspended, the bill read a second time and referred to the committee on canals and internal improvements.

Bill No. 262, in said message, read a first time ; when

On motion of Mr. Baird,

The rules were dispensed with, the bill read a second time and referred to the judiciary committee.

Bill No. 272, in said message, read a first time ; and

Amended, (on motion of Mr. Harris,) by adding after the word "April" the words "annually thereafter."

On motion of Mr. Harris

Said bill was amended by adding an additional section thereto.

On motion of Mr. Wright,

Said bill was amended by inserting the county of Cass.

The amendments were ordered to be engrossed, and the bill to a third reading on to-morrow.

Bill No. 360 in said message;

Read a first time.

Mr. Dobson moved that the rules be suspended and the bill read a second time now.

Which motion did not prevail.

The bill was then ordered to a second reading on to-morrow.

Joint resolution No. 236, in said message;

Read a first time and passed to a second reading.

PETITIONS, REMONSTRANCES, &c.

Mr. Collins presented the petition of sundry citizens of Switzerland county on the subject of repealing the board of equalization, and several other matters therein contained;

Which, on his motion, was laid on the table.

Mr. Dobson presented the petition of Sarah Smith of Green county praying for a divorce;

Which, on his motion, was laid on the table.

Mr. Bradley presented the remonstrance of sundry citizens of Parke county, against the formation of a new county therein named;

Which, on his motion, was laid on the table.

Mr. Nickel presented the petition of Abraham Hacket praying the passage of a law authorizing him to vend merchandise without license;

Which, on his motion, was laid on the table.

Mr. Chamberlain presented the petition of sundry citizens of Elkhart county praying an act for the prevention of the collection of all debts;

Which, on his motion, was referred to the judiciary committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Elliott made the following report:

MR. PRESIDENT:

The committee on elections to which was referred a bill of the House of Representatives entitled No. 235, an act to amend an act entitled an act to provide for electing county and township officers, (app. Feb. 17, 1838) have had the same under consideration and have

instructed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged from the further consideration of the same.

Mr. Elliott made the following report:

MR. PRESIDENT:

The committee on elections, to which was referred a bill of the Senate, No. 97, a bill to amend an act to regulate general elections, have, according to order, had the same under consideration, and a majority of said committee have instructed me to report that it is inexpedient to legislate on the subject matter embraced in said bill, at this time, and ask to be discharged from the further consideration thereof.

The report was concurred in, when,

On motion of Mr. Gregory,

Said bill was laid on the table.

Mr. Pitcher made the following report:

MR. PRESIDENT:

The standing committee on finance, to whom was referred the bill entitled a bill to provide for the collection of the state and county revenue of Vanderburgh county, for the year 1841, have had the same under consideration, and have made one amendment thereto, and instructed me to report it back to the Senate and with that amendment recommend its passage.

The amendments were concurred in, the rules suspended, the amendment considered as engrossed, the bill as amended read a third time and passed.

Mr. Stevenson made the following report:

MR. PRESIDENT:

The committee on education, to which was referred a bill to establish female district schools in certain cases, have, according to order, had the same under consideration, and directed me to report it back to the Senate and recommend its passage.

On motion of Mr. Baird,

Said bill was laid on the table.

Mr. Stevenson made the following report:

MR. PRESIDENT:

The committee on education, to which was referred a bill to amend an act approved February 15, 1841, to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, have, according to order, had

the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Sands made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred bill No. 109, for the relief of the inhabitants of a school district therein named in the county of Orange, have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Kinzer made the following report :

MR. PRESIDENT :

The committee on roads, to which was referred a petition and remonstrance of sundry citizens of Daviess county, have had the same under consideration, and have directed me to report the following bill.

Bill No. 222, to re-locate a certain road in Daviess county ;

Read a first time and passed to a second reading.

Mr. Everts made the following report :

MR. PRESIDENT :

The standing committee on roads, to which was referred a resolution of the Senate, relating to the Cumberland and Michigan roads, have had that subject under their consideration, and have directed me to report the following bill.

No. 223, to keep in repair the Cumberland and Michigan roads ;

Read a first time and passed to a second reading.

Mr. Kinzer made the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred the petition of Stephen Andrews and others, praying a state road in Ripley county, have had the same under consideration, and directed me to report the following bill and recommend its passage.

Bill No. 224, to provide for the location of a state road in the county of Ripley ;

Read a first time and passed to a second reading.

Mr. Reeve made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements, to whom was referred the petition of Jacob Notestine and others, of the counties of Allen and De Kalb, on the subject of abolishing tolls on canoes and pirogues navigating the St. Joseph feeder, have according to order had the same under consideration, and have instructed me to report, that owing to the want of time, said committee deem it inexpedient to attempt legislation on that subject, at present, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Gregory made the following report :

MR. PRESIDENT :

The standing committee on canals and internal improvements, to whom was referred the petition of Christian Lymonds, have had that subject under consideration, and have directed me to report that legislation on the subject in matter of said petition is inexpedient, and your committee ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Read made the following report :

MR. PRESIDENT :

The standing committee on the State Prison to whom was referred bill No. 168, authorizing the appointment of an agent to select a site for a northern penitentiary, have had that subject under their consideration and have given to it that reflection which the importance of the subject demands. The committee are satisfied with the growing necessity of a northern penitentiary, and they know of no place in the northern part of the State better calculated to promote the interest and convenience of the State, than some suitable point on the Wabash and Erie canal ; indeed, experience of other States must satisfy all, that institutions of that kind should be erected on important and navigable streams, otherwise the institutions could not fail to be a dead weight upon the State. The committee might go more fully in detail upon this subject, but they think it unnecessary at this time ; they are however, of opinion that the time is not far distant when the State will find it necessary to erect a State Prison in the northern part of the State ; but, owing to her embarrassed condition, the committee have come to the conclusion that it would be inexpedient at this time to legislate upon that subject and recommend that the bill be laid on the table.

The report was concurred in and the bill laid upon the table.

Mr. Aker made the following report :

MR. PRESIDENT :

The committee on corporations to which was referred a bill to incorporate the town of Muncietown, Delaware county, Indiana, have had that subject under consideration and have instructed me to report the bill back with amendment and with that amendment recommend its passage.

The report was concurred in and the bill as amended ordered to a third reading on to-morrow.

Mr. Davis made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred a bill supplemental to an act for the continuation of the Wabash and Erie canal West of the Tippecanoe river, have had that subject under consideration and report the same back with one amendment, to wit :

Strike out of the second section so much as requires contractors to give bond and security for the performance of the same and insert the following : And shall retain twenty-five per centum of the amount of each contract until the same is completed.

On motion of Mr. Stevenson,

Said bill was amended by striking out "twenty-five per cent." and inserting "ten per cent." in lieu thereof.

Mr. Blair moved to amend as follows :

Provided, That nothing in this act shall contravene the provisions of the act to which this is a supplement ;

Which motion prevailed.

On motion of Mr. Dobson,

Said bill and amendments were laid on the table.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred a bill to incorporate the Citizens Band in the county of Daviess, have had that subject under consideration and report it back to the Senate without amendment.

The bill was ordered to a third reading on to-morrow.

Mr. Bright made the following report :

MR. PRESIDENT :

The committee on corporations to which was referred bill of the Senate No. 181, entitled a bill to incorporate the Franklin turnpike company, have had that subject under consideration and directed me to report the same back to the Senate with one amendment as follows:

Add a

38TH SECTION. This act is subject to repeal or amendment at any time and with this additional section the committee recommend the passage of the bill.

The report was concurred in ; and (on motion of Mr. Bright) the rules were suspended, the bill as amended read a third time and passed.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred a bill to incorporate the Evangelical Lutheran and Reformed Church in the city of Madison, have had that subject under consideration and report the same back to the Senate without amendment.

The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred a bill to incorporate the Presbyterian Congregation of Lafayette in Tippecanoe county, have had that subject under consideration and report it back without amendment.

The bill was ordered to a third reading on to-morrow.

Mr. Chamberlain made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred a bill to give corporate powers to the county of Brown, have had that subject under consideration, and report the same back to the Senate without amendment, and while they refrain from recommending its indefinite postponement, can but regard it as entirely unnecessary, and an improper infraction upon the long established course of legislation on this subject.

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Chamberlain,

The orders of business were suspended and leave granted him to make the following report :

MR. PRESIDENT :

The committee of free conference, appointed to take into consideration the differences between the Senate and House of Representatives on the joint resolution on the subject of a resumption of specie payments by the State Bank, have had that subject under consideration,

and recommend to strike said resolutions out from their resolving clause and insert a substitute in lieu thereof.

On motion,
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Sands,
The orders of business were suspended and leave granted him to introduce

Bill No. 226, to authorise Elizabeth Neal, a minor, to unite with her husband, Thomas J. Neal, in the conveyance of certain real estate;
Read a first time and passed to a second reading on to-morrow.

On motion of Mr. Pitcher,
The orders of business were further dispensed with, and leave granted him to make the following report:

MR. PRESIDENT:

The select committee to whom was referred the bill entitled a bill fixing the time of holding courts in the fourth judicial [circuit,] have had the same under consideration, and have directed me to report the same back to the Senate, with one amendment, and recommend its passage.

The report was concurred in, when,

On motion of Mr. Pitcher,

The rules were dispensed with, the amendments considered as engrossed, the bill read a third time and passed.

Bill No. 182, to legalise the election of trustees of the town of Ve-vay, Indiana;

Bill No. 183, to provide for the sale of certain lands returned to school commissioners for the non-payment of taxes thereon;

Bill No. 187, declaring a certain word a misprint and for other purposes, relative to the county of Orange;

Bill No. 189, for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased;

Bill No. 191, to legalise the acts and proceedings of the board doing county business in the county of Tippecanoe, and for other purposes;

Bill No. 193, for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes;

Bill No. 197, to provide for increasing the stock of the private stockholders in the South Bend Branch of the State Bank;

Bill No. 199, for the location of a certain state road therein named;

Bill No. 202, to authorise the board of trustees of the county semi-

nary of Tippecanoe county to sell and convey certain real estate therein named.

All of the aforesaid bills were separately read a third time and passed.

Bill No. 205, amendatory of the act relative to crimes and punishments.

The question being on the passage of the above bill,

The ayes and noes were demanded by Messrs. Herriman and Gregory.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carr of Jackson, Carr of Lawrence, Collins, Cornett, Davis, Dobson, Elliott, Everts, Foster, Harris, Hatfield, Herriott, Hoover of Wayne, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts, West and Wright—35.

Those who voted in the negative were,

Messrs. Bradley, Gregory, Herriman, Hoover of Tippecanoe, Kinzer, Morgan, Reeve and Walpole—8.

So the bill passed.

Bill No. 206, further to amend an act entitled an act for the prevention of frauds and perjuries, approved January 24, 1831;

Bill No. 257, of the House, to confine voters within their respective townships in certain counties therein named;

Bill No. 266, of the House, to provide for electing petit jurors in Laporte county;

Bill No. 302, of the House, to vacate Duret street in the Godfrey addition to the town of Peru;

All of the aforesaid bills were separately read a third time and passed.

Bill No. 216, for the better regulation and management of certain trust funds loaned by authority of the State;

Read a second time, when,

On motion of Mr. Mount,

The bill was amended by inserting in the proper place the words, "exclusive of all perishable improvements."

Mr. Stevenson moved to amend by inserting in the proper place the words, "on good personal;"

Which motion prevailed, when,

On motion of Mr. Stevenson,

Said bill was committed to a select committee.

Ordered, That Messrs. Stevenson, Parker and Watts compose said committee.

Bill No. 304, of the House, relative to a dam and lock in Elkhart county;

Bill No. 307, for the relief of the purchasers of lands at school commissioners' sale in St. Joseph county.

Both of the aforesaid bills were read a third time and passed.

The Senate resumed the consideration of the question pending on adjournment, it being the report from the committee of free conference on the subject of a resumption of specie payments.

The question being on concurring in the report of said committee, The ayes and noes were demanded by Messrs. Parker and Gregory.

Those who voted in the affirmative were,

Messrs. Angle, Bradley, Bright, Carr of Jackson, Carnan, Chamberlain, Collins, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Moffatt, Parks, Read, Reeve, Roberts, Shanks, Sheets, Sinclair, Stevenson, Tannehill and West—31.

Those who voted in the negative were,

Messrs. Aker, Blair, Burke, Carr of Lawrence, Cornett, Elliott, Morgan, Mount, Nave, Parker, Sands, Walpole, Watts and Wright—14.

So the report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Davis made the following report:

MR. PRESIDENT:

The select committee to whom was referred the report of the Auditor of State, in obedience to a resolution of the 7th of January, 1842, requiring said Auditor to inform the Senate what amount of money he had received under the law of 1841, for furnishing tract books to the county auditors embraced in the land districts of Indianapolis, Crawfordsville, Jeffersonville and Cincinnati, have had that subject under consideration, and beg leave to report, that they have not been able to ascertain that there exists any thing in that transaction prejudicial to his character, as such officer, and beg leave to be discharged from the further consideration of that subject.

Mr. Moffatt made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill fixing the time of holding courts in the seventh judicial circuit, and for other purposes, with instructions to make it take effect on the first of August, have made that amendment, and have instructed me to report the same back to the Senate and recommend its passage.

On motion of Mr. Moffatt,

The rules were suspended, the bill read a third time and passed.

Mr. Wright made the following report:

MR. PRESIDENT:

The select committee, to whom was referred a bill entitled No. 165, a bill regulating pre-emptions to settlers on lands selected for the Wabash and Erie canal, have had the same under consideration, and directed me to make the following amendment and recommend its passage.

Add the following to the first section:

And provided, That said lands shall not be sold for less than the estimated value thereof, made by the selecting commissioners and reported to the Legislature of 1840 and 1841; *And provided further*, That the provisions of this act shall only extend to lands selected for the construction of said canal east of the mouth of the Tippecanoe river.

Which amendment was adopted and the bill ordered to a third reading on to-morrow.

Mr. Davis made the following report:

MR. PRESIDENT:

The select committee to which was referred a communication of the Auditor of Public Accounts, upon the subject of tract books furnished to county auditors embraced in the land districts of Indianapolis, Crawfordsville, Jeffersonville and Cincinnati, have had that subject under consideration and beg leave to report that they are of opinion that nothing exists, founded in fact, prejudicial to the character of that officer, and they ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Carr of Lawrence made the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 175, have had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

The bill was ordered to a third reading on to-morrow.

Mr. Bradley made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Silas Kenworthy and other citizens in the vicinity of Sugar creek, have according to order, had the same under consideration, and a majority of them have directed me to make the following report:

Your committee have examined the petition, and find that the petitioners are all in the county of Montgomery, and on that part of said stream not susceptible of navigation; and finding none of the citizens of the county of Parke to said petition, and your committee knowing that the answer of said petitioners' prayer would materially injure many of the citizens of Parke, by destroying many valuable mills, therefore they have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Gregory made the following report:

MR. PRESIDENT:

The undersigned, a minority of the select committee to whom was referred the petition of Silas Kenworthy and two hundred and eighteen others, praying that Sugar creek may be declared a public highway, makes the following minority report:

In addition to the number and respectability of the petitioners, the undersigned is of opinion that a compliance with the prayer of said petitioners would conduce to the public convenience. Sugar creek or *Rock River* is a tributary of the Wabash river, and runs through the most fertile region of the great Wabash valley, and with some improvements would be navigable in time of high water for flat boats, thereby affording an outlet to the southern market for the produce of that section of the State. For these reasons and many others that might be urged, the minority of your committee has been constrained to differ in opinion from the majority; and if the Senate do not concur in the report of the majority, the undersigned will present at some proper time a bill in accordance to the prayer of said petitioners.

Mr. Walpole made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House of Representatives, No. 301, entitled a bill fixing the time of holding the circuit court in Madison county in the eleventh judicial circuit, have, according to order, had the same under consideration, and the said committee instruct me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Carr of Jackson made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 201, entitled a bill to amend an act entitled an act for the relief of

John Rodolph Fischli, approved February 18, 1839, have, according to order, had the same under consideration, and, in obedience to instructions of the Senate, have made one amendment thereto, and recommend the passage of the bill:

Amend, by adding at the end of the first section the following:

Provided, That nothing contained in the foregoing section shall be so construed as to relinquish on the part of the State the ground or any part thereof upon which the state prison is erected.

The report was concurred in and the bill as amended ordered to be engrossed for a third reading on to-morrow.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The select committee to whom was referred certain petitions praying for the passage of a joint resolution in favor of a repeal of the "Bankrupt law," passed at the late extra session of Congress, have had that subject under consideration and have directed me to report the accompanying joint resolution, in conformity with the prayer of said petitioners.

Your committee would briefly state, that the provisions of the law proposed to be repealed, in almost every feature, so far from being a bankrupt law, such as in the adoption of the constitution of the United States, Congress was invested with the power to enact, are in almost every respect a total subversion of the established principles of the bankrupt law which the convention framing that instrument had in contemplation; are but a license for the perpetuity of that reckless spirit of extravagance and visionary speculation, which has gone so far to subvert almost every principle of safe or rational operations upon credit; and as being but calculated to vitiate the moral sense of future generations as well as the present, by giving license to the most sinister motives by which the profligate can be actuated. Your committee do not wish to be understood as applying this expression of disapprobation of the law of the extra session of Congress, to a law which might be enacted based upon the just principles which every bankrupt law, properly so called, has recognized, and such as the constitution would sanction; believing as they do, that there are numerous meritorious cases, in reference to which such a law would, both for the interests of the creditor and debtor, most beneficially interpose. Your committee cannot however, but regard the existing law as the climax of that most vicious system of credit, which in its operation and effects has subverted all the fundamental principles of trade and of commerce, which as experience teaches us, finds its end in that legislative interference which does such manifest violence to the obligations between man and man; the integrity of which alone gives that salutary guaranty of good faith, without which the best arranged commercial operations are less certain in their results, than are the chances which determine the results of the lottery. This license to the most hazardous adventures

of visionary speculations, finds no adequate justification in the fact that in many individual cases the provisions of this law would extend salutary and justifiable relief to the truly meritorious. Your committee therefore acquiesce in the correctness of the views expressed in the petitions submitted to their consideration, and recommend the passage of the joint resolution they herewith report.

E. M. CHAMBERLAIN,
C. C. NAVE,
JOHN F. CARR.

The undersigned, members of your committee, in addition to the above objections against the bankrupt law of the extra session above referred to, urge as an additional and paramount objection against it, the fact that it does not embrace in its provisions, banks or other corporations.

E. M. CHAMBERLAIN,
JOHN F. CARR.

Joint resolution No. 228, on the subject of the repeal of the bankrupt law,

Read a first time.

Mr. Gregory moved to reject said joint resolution.

The ayes and noes were demanded by Messrs. Harris and Parks :

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bradley, Burke, Carnan, Collins, Davis, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Pitcher, Sheets, Stevenson, Watts and Wright.—20.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Cornett, Dobson, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Nave, Nickel, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear, Walpole and West.—25.

So the motion to reject failed.

The joint resolution was then ordered to a second reading on to-morrow.

Mr. Nave made the following report :

MR. PRESIDENT :

The select committee to whom was referred bill No. 93, of the House entitled "a bill to fix the time of holding the Marion circuit court," have according to order, had the same under consideration and because said bill is local and being considered as such by the delegation from Marion county ; it has therefore been out of the power of a majority of your committee to make any amendments thereto which would be

calculated to promote the interest of the people of this State as they conceive, without disregarding the wish of the delegation from Marion county.

Wherefore, a majority of your committee report the same back to the Senate and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged and the bill ordered to a third reading on to-morrow.

Mr. Bright made the following report :

MR. PRESIDENT :

The select committee to which was referred bill of the Senate No. 206, entitled a bill authorizing the county commissioners of Jefferson county to sell and dispose of the poor farm in said county and for other purposes, have had that subject under consideration and directed me to strike out the same from its enacting clause, and insert in lieu thereof a substitute.

Which was concurred in and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Berry made the following report :

MR. PRESIDENT :

The select committee to whom was referred the petition of P. C. Dunning, have had the subject matter therein contained under their consideration and direct me to report the following bill and recommend its passage.

Bill No. 229, for the relief of P. C. Dunning, assignee of Michael Keith,

Read a first time and passed to a second reading.

Mr. Harris made the following report :

MR. PRESIDENT :

The select committee to which was referred the petition of Timothy Donovan, praying for a vacation of a part of the addition to the town of Delphi, have had the same under consideration and have directed me to report that inasmuch as a bill carrying out the prayer of the petitioner has passed the House of Representatives and is now before the Senate, it has become necessary to take further action upon the petition. They therefore ask to be discharged from its further consideration.

The report was concurred in and the committee discharged.

The following communication was received from the Governor by his private secretary, Mr. Kiersted :

MR. PRESIDENT :

I am directed by the Governor to transmit to the Senate No. 30, an act to compel speculators to pay a road tax equal to that paid by actual settlers together with his reasons for withholding his approval of the same.

EXECUTIVE DEPARTMENT, }
January 24, 1842. }

GENTLEMEN OF THE SENATE :

I herewith return a bill which originated in the Senate (No. 30) to compel speculators to pay road tax equal to that paid by actual settlers, together with the objections entertained against its becoming a law.

The bill provides for the assessment and collection of a money tax for road purposes to be assessed and collected as other taxes for State and county purposes, in the counties of Noble, Lagrange, DeKalb, Steuben, Kosciusko, Allen, Huntington, Wells, Whitley and Fountain, equal to one and a fourth cents per acre, and on town lots with the improvements thereon equal to 25 cents per hundred dollars of the valuation thereof, and on lands in the counties of Wabash and Miami a road tax equal to two cents per acre, modified, however, as to school and canal lands, and on town lots in said counties a road tax of 25 cents for every hundred dollars of the valuation thereof, exclusive of the improvements thereon.

No objection is urged against the provisions of this bill. It appears however, from the endorsement of the enrolling secretary, made on all bills presented for approval, and from the journals of the Senate, the latter being public records, that this act had its origin in the Senate.

The objection to its approval rests on the 19th section of the third article of the constitution of Indiana, which provides that all bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject as in other bills.

If this clause in the constitution could be regarded as merely directory to the legislature, I should consider the executive had no right to interpose the constitutional question; but I cannot so regard it. It is clearly a fixed determinate rule of action prescribed by the people in establishing the powers of the various branches of the government, which cannot be departed from. No reason is given in the constitution for the insertion of this provision. But it is evident that the people, who are justly jealous of the power to impose taxes, wished the authority to originate measures of revenue, to be lodged with that branch of the legislature which stood the nearest to them by reason of being annually elected, that those composing it might be called to a more speedy account at the ballot box.

But is this a bill for raising revenue? It is to my mind as clearly such as any bill can be. It belongs exclusively to the legislative branch of the government to provide by law for opening, improving and repairing public roads and highways. Without legislative action

nothing can be done as it respects either their location, or raising the means to open, improve or repair them. Although the county authorities may be empowered to levy and collect a revenue for these purposes, their power to do so is solely derived from the legislature, just as the assessors and collectors of the ordinary State and county revenues, derive their powers from the same source. They all are mere agents in executing the laws passed with reference to the various kinds of revenue, required to be collected and disbursed for State and county purposes. If a tax is assessed upon the people by law for any purpose whatsoever it is to be regarded as a revenue, no matter by what means or through what agents the purpose of the legislature may be accomplished. It is true, this bill applies only to a few counties, but the constitution makes no exception and must apply alike to measures which are partial as well as general in their application.

That this bill did not originate in the House is shown to me by testimony which I cannot overlook and which is indisputable. That the objection escaped the notice of both branches of the legislature is easily accounted for in the fact that the bill itself is local in its character. Had the bill been general in its provisions, I should have hesitated longer in adopting the course I have pursued with regard to it, under the impression that the objection now raised had received the full consideration of both branches of the legislature. But being fully aware that local bills do not generally undergo so rigid a scrutiny as those of a general nature, I have considered it to be my duty at once to return this bill that the ground of objection which has presented itself to my mind may be reconsidered by the Senate. If the Senate should differ with me, the constitution requires the objection to be submitted to the other branch of the legislature, and thus an opportunity will be afforded to both branches of the legislature to determine whether this bill contains provisions, which under the constitution require that it should have had its origin in the House of Representatives.

SAM. BIGGER.

The question then being shall the bill pass, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were taken in compliance with the constitution; and

Mr. Walpole voted in the affirmative.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Blair, Bradley, Burke, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Miller, Moffatt, Morgan, Monnt, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright.—47.

So the bill did not pass.

Mr. Chamberlain introduced

Bill No. 230;

Read a first time when, on his motion, the rules were suspended, the bill read a second and third times and passed.

Mr. Gregory introduced

Bill No. 231, declaring sugar creek a public highway and for other purposes;

Read a first time.

Mr. Bradley moved to reject said bill.

The ayes and noes were demanded by Messrs. Gregory and Baird:

Those who voted in the affirmative were,

Messrs. Berry, Blair, Bradley, Carr of L., Collins, Cornett, Davis, Dobson, Everts, Foster, Hatfield, Herriman, Hoover of W., Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Pitcher, Reeve, Roberts, Sands, Shanks, Sheets, Tannehill and Watts.—28.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Burke, Carr of J., Elliott, Gregory, Harris, Hoover of T., Parker, Parks, Sinclear, Walpole and Wright.—14.

So the motion to reject prevailed.

Mr. Miller introduced a bill entitled

No. 232—A bill to provide for opening and repairing public roads and highways in the counties of Gibson and Pike;

Which was read three several times (the rules being suspended) and passed.

Mr. Moffatt introduced a bill entitled

No. 233—A bill to amend an act to provide for the inspection of salt, beef, flour, pork, and tobacco, app. Feb. 17, 1838;

Which was twice read and,

On motion of Mr. Walpole,

Referred to the committee on agriculture.

Mr. Parker moved to take up the message from the House.

Which motion did not prevail.

Mr. Blair introduced a bill entitled

No. 234—A bill to provide for the survey of the town of Perrysville in Vermillion county;

Which was read three several times (the rules being suspended) and passed.

Mr. Reeve introduced

Bill No. 235—To reduce the salaries of certain officers therein named;

Read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives by Mr. Marshall a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following amendments made by the Senate to an engrossed bill of the House No. 223, entitled an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer, to-wit: amendments, 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 27, without amendment; and the House has concurred in the amendments of the Senate Nos. 5, 24, 25, and 26, with amendments to each in which amendments the concurrence of the Senate is respectfully requested.

The first amendment of the House to the amendment of the Senate to the bill named in said message, was concurred in.

The question being on concurring in the second amendment of the House to amendment of the Senate to the aforesaid bill,

Mr. Collins moved to amend as follows:

Add to second amendment of the House, "And any work or works hereafter to be constructed by the State or any company may be united to any of the works prosecuted under the provisions of this act by paying the owner of such work a just compensation therefor, to be ascertained by the Treasurer, Auditor and Secretary of State.

Mr. Wright moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Collins and ———.

Those who voted in the affirmative were,

Messrs. Angle, Bradley, Bright, Burke, Carr of Lawrence, Carnan, Davis, Dobson, Elliott, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Nickel, Parker, Parks, Pitcher, Reeve, Roberts, Sheets, Sinclear, Stevenson, Tannehill Walpole, West and Wright—30.

Those who voted in the negative were,

Messrs. Aker, Baird, Blair, Carr of Jackson, Chamberlain, Collins, Cornett, Herriman, Moffatt, Morgan, Mount, Nave, Read, Sands and Watts—15.

So the amendment was laid on the table.

The question recurring on agreeing to the second amendment of the House to amendment of the Senate, it was decided in the affirmative.

Mr. Parker moved that the Senate agree to the third amendment of the House to amendment of the Senate.

Mr. Collins moved to amend by striking out the words "with six per cent. interest thereon."

The ayes and noes were demanded by Messrs. Chamberlain and Collins.

Those who voted in the affirmative were,

Messrs. Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Davis, Dobson, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Parks, Read, Roberts, Sands, Shanks, Sheets, Stevenson, Watts and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Blair, Bradley, Bright, Burke, Carnan, Elliott, Everts, Foster, Gregory, Herriott, Hoover of Wayne, Nickel, Parker, Pitcher, Reeve, Sinclear, Tannehill, Walpole and West—21.

So the amendment was adopted.

Mr. Wright moved that the vote just taken on the adoption of Mr. Collins's amendment be reconsidered.

Mr. Harris moved to lay the motion on the table ;

Which motion did not prevail.

The question recurring on the reconsideration of the vote on said amendment,

The ayes and noes were demanded by Messrs. Chamberlain and Collins.

Those who voted in the affirmative were,

Messrs. Angle, Blair, Bradley, Bright, Burke, Carnan, Elliott, Everts, Foster, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Morgan, Nickel, Parker, Pitcher, Reeve, Sinclear, Tannehill, Walpole, West and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Collins, Cornett, Davis, Dobson, Harris, Hatfield, Miller, Mount, Nave, Sands, Shanks, Sheets and Watts—19.

So the motion to reconsider prevailed.

Mr. Harris moved a call of the Senate ;

Which motion did not prevail.

Mr. Morgan moved that the Senate now adjourn ;

Which motion failed.

On motion of Mr. West,

The amendment proposed by Mr. Collins was laid on the table.

Mr. Parker moved that the Senate agree to the third amendment of the House.

The ayes and noes were demanded by Messrs. Chamberlain and

Those who voted in the affirmative were,

Messrs. Angle, Blair, Bradley, Bright, Burke, Carnan, Collins, Elliott, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Nickel, Parker, Pitcher, Reeve, Shanks, Sinclear, Tannehill, West and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Davis, Dobson, Harris, Miller, Morgan, Mount, Nave, Parks, Read, Sands, Sheets, Walpole and Watts—20.

So the amendment was agreed to.

On motion of Mr. Parker,

The fourth and last amendment of the House to amendment of the Senate to said bill was agreed to.

The following message was received from the House of Representatives by Mr. Huckleberry, their assistant clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the House, to-wit :

No. 94, an act to incorporate the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company ;

No. 115, an act prescribing the duties of the quarter-master general, and fixing his rank and compensation ;

No. 184, an act to authorise John Callahan to build a bridge across the mouth of Tanners' creek in Dearborn county ;

No. 203, an act to vacate the town of Richardville in Huntington county ;

No. 242, a joint resolution authorising the board of internal improvement to settle the claim of the residue of the contractors on the southern division of the Central canal ;

No. 300, an act to amend an act to incorporate the town of Terre Haute.

Also, the following enrolled bills of the Senate :

No. 58, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein ;

No. 70, an act authorising the State Treasurer to collect and pay over to the counties of De Kalb, Wells and Lake that portion of the surplus revenue to which the same are entitled ;

No. 78, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company ;

No. 136, an act to provide for the election of a commissioner on the Wabash and Erie canal west of Tippecanoe river ;

No. 165, an act providing for the sale of certain school lands in Fayette county ;

No. 172, a joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign ;

No. 178, an act to change the time of holding courts in Jay county ;

No. 179, an act supplemental to an act entitled an act authorising the appointment of constables and defining their duties ;

No. 30, an act to compel speculators to pay a road tax equal to that paid by actual settlers ;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed said bills.

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed joint resolution of the Senate, to-wit :

No. 242, a joint resolution authorising the board of internal improvement to settle the claims of the residue of the contractors on the southern division of the Central canal ;

And have found the same correctly enrolled.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and have found them correctly enrolled, to-wit :

No. 78, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, approved January 30, 1837 ;

No. 179, an act supplemental to an act entitled an act authorising the appointment of constables and defining their duties, approved February 17, 1838 ;

No. 172, a joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign ;

No. 165, an act providing for the sale of certain school lands in Fayette county ;

No. 136, an act to provide for the election of a commissioner on the Wabash and Erie canal west of the Tippecanoe river ;

No. 178, an act to change the time of holding courts in Jay county ;

No. 58, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841 ;

No. 30, an act to compel speculators to pay a road tax equal to that paid by actual settlers ;

No. 70, an act authorising the State Treasurer to collect and pay over to the counties of De Kalb, Lake and Wells that portion of the surplus revenue to which the same are entitled.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives and find them correctly enrolled, to-wit :

No. 300, an act to amend an act to incorporate the town of Terre Haute, approved February 17, 1838 ;

No. 203, an act to vacate the town of Richardville in Huntington county ;

No. 184, an act to authorise John Callahan to build a bridge across the mouth of Tanners' creek in Dearborn county ;

No. 115, an act prescribing the duties of quarter-master general and fixing his rank and compensation ;

No. 94, an act to incorporate the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills, report that they did, on Saturday last, present to his excellency the Governor for his approval and signature, the following enrolled bills and joint resolutions of the Senate, to wit :

No. 23, an act to amend an act entitled an act concerning proceedings in ejectment and for the relief of occupying claimants of land, approved January 13, 1831 ;

No. 45, an act for the further relief of purchasers of the seminary lands in the counties of Gibson and Monroe ;

No. 63, a joint resolution appointing an agent to examine the state and condition of the State Bank and each and every branch thereof ;

No. 99, an act to fix the fees of sheriffs in certain cases ;

No. 100, an act for the relief of John W. Hitt and others ;

No. 105, an act to amend an act entitled an act for the preservation of sheep, approved January 25, 1841 ;

No. 123, an act giving further time to assessors ;

Also the following enrolled bills and joint resolution of the House of Representatives, to-wit :

No. 59, an act for the relief of the members of fire company No. 1, in Fort Wayne ;

No. 126, an act to incorporate the White river manufacturing company in Daviess and Knox counties;

No. 146, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike;

No. 149, an act to exempt probate judges from arrest;

No. 166, an act to amend an act entitled an act amendatory to the charter of Michigan city;

No. 181, an act concerning petit jurors in the counties of Greene, Daviess, Ripley, Adams, Jay, Crawford and Pike;

No. 185, an act providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie canal east of Tippecanoe river;

No. 237, a joint resolution for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the State Prison.

Mr. Pitcher, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have this day presented to the Governor, for his approval and signature, the following enrolled bills originating in the Senate;

No. 30, an act to compel speculators to pay a road tax equal to that paid by actual settlers;

No. 179, an act supplemental to an act entitled an act authorising the appointment of constables and defining their powers and duties, approved February 17, 1838;

No. 178, an act to change the time of holding courts in Jay county;

No. 172, a joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign;

No. 165—An act providing for the sale of certain school lands in Fayette county;

No. 136—An act to provide for the election of a commissioner on the Wabash and Erie canal, west of the Tippecanoe river;

No. 70—An act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, app. Jan. 30, 1837;

No. 78—An act authorizing the State Treasurer to collect and pay over to the counties of Dekalb, Wells, and Lake that portion of the surplus revenue to which the same are entitled;

No. 58—An act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, app. Feb. 17, 1838, app. Feb. 15, 1841;

Mr. Pitcher from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The committee on enrolled bills have this day presented to the

Governor for his approval and signature [the following bills] originating in the House of Representatives, to-wit:

No. 184—An act to authorize John Callahan to build a bridge across the mouth of Tanners creek in Dearborn county;

No. 203—An act to vacate the town of Richardville in Huntington county;

No. 242—A joint resolution authorizing the board of internal improvement to settle the claims of the residue of the contractors on southern division of the central canal;

No. 300—An act to amend an act to incorporate the town of Terre Haute, app. Feb. 17, 1838;

No. 115—An act prescribing the duties of the quarter-master general and fixing his rank and compensation;

No. 94—An act to incorporate the Wayne, Union, and Randolph turnpike company, and the Union and Wayne turnpike company.

The following message was received from his Excellency the Governor, by Mr. Kiersted his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that, on the 22d inst. he approved and signed the following acts:

No. 45—An act for the further relief of purchasers of the seminary lands in the counties of Gibson and Monroe;

No. 123—An act giving further time to assessors;

No. 105—An act to amend an act entitled "an act for the preservation of sheep," app. Jan. 25, 1841;

No. 100—An act for the relief of John W. Hitt and others;

No. 99—An act to fix the fees of sheriffs in certain cases;

No. 23—An act to amend an act entitled an act concerning ejectments and for the relief of occupying claimants of land, approved Jan. 13, 1831;

Also—

No. 63—A joint resolution appointing an agent to examine the state and condition of the State Bank and each and every branch thereof;

All of which originated in the Senate.

On motion,

The Senate adjourned.

TUESDAY, JAN. 25th, 1842.

The Senate assembled.

On motion of Mr. Watts,

A call of the Senate was ordered.

Mr. Eggleston was granted leave of absence.

The absentees were, Messrs. Aker, Blair, Chamberlain, Dobson, Everts, Miller, Mount, Pitcher, Roberts, Walpole and West.

On motion of Mr. Morgan,

A further call of the Senate was dispensed with.

On motion of Mr. Baird,

The reading of yesterday's journal was dispensed with.

The following message was received from the House of Representatives, by Mr. Chapman of *H.*, a member:

MR. PRESIDENT:

I am instructed by the *House* of Representatives to inform the Senate that the House has passed the following bill of the House, entitled a bill for the prevention of usury.

The bill was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Montgomery, a member:

MR. PRESIDENT:

I am directed to inform the Senate that the *House* has passed the following engrossed bill thereof:

Not 369, entitled a bill to amend an act entitled an act to revise and amend an act incorporating Congressional townships and providing for public schools therein; in which the concurrence of the Senate is respectfully requested.

The bill was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Brown, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment the following engrossed bills of the Senate, to wit:

No. 186, an act to legalize the acts of the president and trustees of the town of Greencastle.

No. 219, an act to amend an act entitled an act to provide for the improvement of the Michigan road, approved February 13, 1841;

No. 220, an act regulating the jurisdiction of justices of the peace in the county of Jay;

Also the following joint resolution without amendment:

No. 173, a joint resolution in relation to bank directors.

The House continues to insist on its amendment to bill of the Senate

No. 31, an act applying certain funds to purposes of education.

The House concurs with an amendment to first amendment of the Senate; and disagrees to the 2d, 3d, and 4th amendments of the Senate to bill of the House

No. 177, an act to repeal an act converting the sinking, saline, college, surplus revenue, and State Bank school funds into bank stock.

The House refuses to recede from its amendments to the amendments of the Senate to bill of the House

No. 44, an act for the relief of the borrowers of the surplus revenue and other funds.

The House has passed engrossed bills thereof as follows, to wit:

No. 277, an act to provide for the preservation of the southern division of the central canal;

No. 366, an act to provide for the distribution of the road laws;

No. 367, an act to regulate the jurisdiction of justices of the peace in Lawrence county; an act amendatory to other acts therein named;

Also the following joint resolution of the *House*:

No. 370, a joint resolution on the subject of improving the navigation of the western rivers;

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House has signed the following enrolled bills of the House, to wit:

No. 75, an act to amend an act to authorize foreigners to hold real estate within the State of Indiana, approved January 14, 1818;

No. 152, an act for the relief of Huntington county;

No. 183, an act to remove the disability of Mary Ann Brewner;

No. 196, an act to authorize the president judge of the third judicial circuit to hold an extra term in the county of Dearborn;

No. 207, an act to incorporate the Delphi storage and manufacturing company;

No. 271, an act to amend an act entitled an act dividing the State into judicial circuits and fixing the times of holding courts therein and for other purposes;

No. 291, an act to authorize the furnishing of hydrant water to the town of Attica;

No. 292, an act for the relief of the owners of certain lots in the town of Bloomington;

No. 204, an act to vacate part of a certain state road therein named and to declare a certain portion of a county road a state road;

Also the following joint resolutions of the *House*, to wit:

No. 198, a joint resolution relative to the harbor of St. Joseph at Lake Michigan;

No. 327, a joint resolution in relation to the construction of a harbor at Michigan city;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion of Mr. Nave,

A committee of free conference was appointed on the part of the Senate, to act in conjunction with a similar committee on the part of the House of Representatives, for the purpose of taking into consideration the subject matter of disagreement between the two Houses, on the subject of bill No. 31 contained in said message.

Ordered, that Messrs. Nave and Parker compose said committee.

On motion of Mr. Parker,

The amendments of the House to the amendment of the Senate to Bill of the House No. 177 in said message was agreed to.

On motion of Mr. Baird,

A committee of free conference was appointed on the part of the Senate, to act in conjunction with a similar committee on the part of the House of Representatives, to take into consideration the subject matter of disagreement on bill of the House No. 44, in said message.

Ordered, that Messrs. Watts and Parker compose said committee.

Bill No. 277, in said message,

Read a first time; when

On motion of Mr. Pitcher,

The rules were suspended, the bill read a second and third times and passed.

Joint resolution No. 370, in said message,

Read a first time.

On motion of Mr. Collins,

The rules were suspended and the joint resolution read a second time.

On motion of Mr. Wright,

The joint resolution was amended by inserting in the second section in the proper place the words "Wabash river;" when on his motion, the rules were suspended the joint resolution read a third time and passed.

Bill No. 367, in said message,

Read a second time,

On motion of Mr. Nave,

The rules were suspended and the bill read a second time now.

On motion of Mr. Carr of L.,

The rules were further suspended, the bill read a third time and passed.

Bills No. 186 and 366 in said message,

Read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Marsh, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill:

No. 371—An engrossed bill to compel speculators to pay a road tax equal to that paid by actual settlers in certain counties therein named;

In which the concurrence of the Senate is respectfully requested.

Bill No. 371 in said message;

Read a first time.

Mr. Hatfield moved that the rules be suspended and the bill read a third time now.

Which motion did not prevail.

The bill was then ordered to a third reading on to-morrow.

The following message was received from the House of Representatives by Mr. Brown of M. a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that they have with great unanimity passed a bill of the Senate entitled a bill to change the name of Mary Smith to that of Mary Smith Chamberlain.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills and joint resolutions of the House of Representatives to-wit:

No. 75—An act to amend an act entitled "an act authorizing aliens and foreigners to hold real estate within the State of Indiana, app. Jan. 14, 1818;

No. 52—An act for the relief of Huntington county;

No. 183—An act to remove the disability of Mary Ann Bruner;

No. 196—An act to authorize an additional term of court in Dearborn county;

No. 198—A joint resolution relative to the harbor of St. Joseph at lake Michigan;

No. 204—An act to vacate part of a certain state road therein named and to declare a certain portion of a county road a state road;

No. 207, an act incorporating the Delphi storage and forwarding company;

No. 271, an act to amend an act entitled an act to amend an act entitled an act dividing the State into judicial circuits and fixing the time for holding courts therein, and for other purposes, approved February 10, 1831, approved January 28, 1839;

No. 291, an act authorising the furnishing of hydrant water to the town of Attica;

No. 292, an act for the relief of owners of certain lots in the town of Bloomington;

No. 327, a joint resolution in relation to the construction of a harbor at Michigan city ;

And have found the same correctly enrolled.

They further report that they did, on this day, present said bills and joint resolutions to his Excellency, the Governor, for his approval and signature.

MR. PRESIDENT :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate and find them correctly enrolled, to-wit :

No. 113, a joint resolution in relation to the Indiana University ;

No. 90, an act to repeal an act entitled an act to authorise Thomas S. Hinde to establish a ferry therein named, approved January 19, 1841 ;

No. 92, an act to prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent ;

No. 116, an act concerning criminal practice ;

No. 155, an act to vacate certain lots in the town of Edinburgh, Johnson county ;

No. 112, a joint resolution authorizing the distribution of the revised laws of 1838 to Randolph county ;

No. 104, an act to authorise agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State ;

No. 98, an act to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840 ;

No. 77, an act to amend an act entitled an act for the regulation of the State Prison, approved February 3, 1841.

The following message was received from his Excellency the Governor by his private secretary, Mr. Kiersted :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that on the 24th instant he approved and signed the following acts :

No. 70, an act authorising the State Treasurer to collect and pay over to the counties of De Kalb, Wells and Lake that portion of the surplus revenue to which the same are entitled ;

No. 179, an act supplemental to an act entitled an act authorising the appointment of constables and defining their duties, approved February 17, 1838 ;

No. 165, an act providing for the sale of certain school lands in Fayette county ;

No. 178, an act to change the time of holding courts in Jay county ;

No. 78, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, approved January 30, 1837 ;

No. 136, an act to provide for the election of a commissioner on the Wabash and Erie canal west of the Tippecanoe river ;

No. 58, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 15, 1841.

Also,

No. 172, a joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign.

All of which originated in the Senate.

Mr. Cornett presented a memorial from sundry citizens of Ripley county in relation to a state road therein named ;

Which, on his motion, was referred to a select committee.

Ordered, that Messrs. Cornett, Reeve and Sheets compose said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Elliott moved to reconsider the vote taken on the indefinite postponement of

Bill No. 91, of the House, authorising the payment of contractors on the Wabash and Erie canal east of the mouth of the Tippecanoe river ;

Which motion prevailed.

The question then being on the indefinite postponement of the bill, it was decided in the negative.

On motion of Mr. Wright,

The bill was amended as follows :

1st. Amend the first section by striking out the words "and interest," and add to the end of the first section, "of lands sold since January, 1840."

2d. Add the following as an additional section :

SEC. 3. That the commissioner of the Wabash and Erie canal, east of Lafayette, be, and he is hereby authorised to use the tolls, and if they should not be sufficient, then to issue like certificates as heretofore provided for ; to repair any breach or breaches on said canal, and to make such repairs as may be necessary for the protection and preservation of said canal.

On motion of Mr. Wright,

The rules were suspended, the amendments considered as engrossed, the bill as amended read a third time and passed.

Mr. Baird made the following report :

MR. PRESIDENT :

The committee on canals and internal improvements, to whom was referred a bill of the House of Representatives, No. 96, entitled a bill to pay the contractors on the Madison and Indianapolis Railroad, have had the same under faithful examination, and after having given to it much attention, both as to the law and the facts connected

therewith, the committee have directed me to report the same back to the Senate and recommend its indefinite postponement.

Mr. Bright moved to lay the report on the table.

The ayes and noes were demanded by Messrs. Moffatt and Baird.

Those who voted in the affirmative were,

Messrs. Bright, Burke, Carr of Jackson, Chamberlain, Collins, Davis, Dobson, Elliott, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Nickel, Parks, Roberts, Sheets, Tannehill and West—21.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Carr of Lawrence, Carman, Cornett, Everts, Gregory, Miller, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Read, Reeve, Sands, Shanks, Sinclear, Stevenson, Walpole and Watts—25.

So the motion did not prevail.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Stevenson,

The orders of business were suspended and leave granted him to make the following report:

MR. PRESIDENT:

The select committee to which was referred a bill for the better regulation and management of certain trust funds loaned by authority of the State, have, according to order, had the same under consideration, and have made one amendment thereto, by adding a proviso to the end of the bill, and with this amendment recommend its passage.

The report was concurred in, the bill as amended ordered to be engrossed, the rules suspended, the bill read a third time and passed.

On motion of Mr. Sheets,

Bill No. 369, of the House, to amend an act to revise and amend an act incorporating congressional townships and providing for public schools therein, was taken up, the rules suspended, the bill read a second and third times and passed.

On motion of Mr. Wright,

The orders of business were further suspended and leave granted him to introduce the following resolution:

Resolved, That the House of Representatives be respectfully requested to return the message from the Senate announcing the concurrence of the Senate in the amendment of the House of Representatives to the first amendment of the Senate to bill of House of Representatives No. 177, to repeal an act converting the sinking fund, saline, college, surplus revenue and State Bank funds into bank stock;

Which was adopted.

On motion of Mr. Everts,

The rules were further suspended and leave granted him to introduce

Bill No. 234, to attach a part of Stark county to the county of Laporte;

Read three several times (the rules having been dispensed with on his motion) and passed.

Mr. Chamberlain moved a call of the Senate;

Which motion prevailed.

The absentees were

Messrs. Blair, Eggleston, Miller, Nickel, Roberts and Walpole.

On motion of Mr. Watts,

The absentees were sent for.

Mr. Nave moved that a further call of the Senate be dispensed with;

Which motion did not prevail.

On motion of Mr. Harris,

The vote on suspending a further call of the Senate was reconsidered.

The question being on suspending a further call, it was decided in the affirmative.

ORDERS OF THE DAY.

Bills on their third reading:

Bill No. 226, to authorise Elizabeth Neal, a minor, to unite with her husband, Thomas J. Neal, in the conveyance of certain real estate;

Bill No. 321, of the House, to give corporate powers to the county of Brown;

Bill No. 204, to incorporate the Presbyterian congregation of Lafayette in Tippecanoe county;

Bill No. 109, for the relief of the inhabitants of a school district therein named in Orange county;

Bill No. 170, to incorporate the town of Muncietown, Delaware county, Indiana;

Bill No. 164, to incorporate the citizens' band in the county of Daviess;

No. 190, a bill to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

Bill No. 307, of the House, for the relief of the purchasers of lands at school commissioners' sale in St. Joseph county;

Bill No. 304, of the House, relative to a dam and lock in Elkhart river;

Bill No. 175, of the House, to change the mode of selecting petit jurors in Lawrence county, and for other purposes;

Bill No. 93, of the House, to fix the time of holding the Marion circuit court;

Bill No. 272, of the House, relative to licensing groceries in the county of Carroll;

Bill No. 310, of the House, to provide for the summoning and empannelling grand and petit jurors in certain counties therein named;

Bill No. 201, to amend an act entitled an act for the relief of John Rodolph Fischli, approved February 18, 1839;

Bill No. 207, authorising the county commissioners of Jefferson county to sell and dispose of the poor farm in said county and for other purposes;

All of the aforesaid bills were read separately a third time and passed.

Bill No. 165, of the House, granting pre-emption to settlers on lands selected for the Wabash and Erie canal.

The question being on the passage of the bill,

The ayes and noes were demanded by Messrs. Stevenson and Gregory.

Those who voted in the affirmative were,

Messrs. Aker, Baird, Bright, Chamberlain, Davis, Dobson, Eggleston, Foster, Gregory, Harris, Herriman, Hoover of Wayne, Parker, Read, Sands, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Berry, Blair, Bradley, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Elliott, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parks, Pitcher, Reeve, Roberts, Stevenson, Watts and West—27.

So the bill was lost.

BILLS ON THEIR SECOND READING.

Bill No. 222, to relocate a certain road in Daviess county;

Bill No. 223, to keep in repair the Cumberland and Michigan roads;

Bill No. 229, for the relief of P. C. Dunning assignee of Michael Keith;

Which several bills were read separately a second time and ordered to be engrossed for a third reading;

Bill No. 214 of the House, to amend an act locating a certain state road therein named;

Bill No. 218, to amend an act entitled an act to incorporate the trustees of the Daviess county seminary;

Bill No. 219, to amend an act entitled an act to amend an act entitled an act relating to public roads and highways, approved February 17, 1838;

Bill No. 220, declaring a certain name a misprint and for other purposes;

Bill No. 221, to amend an act entitled an act to establish seats of justice in new counties, approved January 14, 1824;

Bill No. 224, to amend an act concerning insane persons, approved January 22, 1818;

Bill No. 225, for the relief of a justice of the peace in St. Louis, Bartholomew county;

Bill No. 244, to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county;

Bill No. 248, to amend an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837;

Bill No. 246, to amend an act regulating damages on protested bills of exchange, approved February 17, 1838;

Bill No. 254, to declare a certain road in Wabash county a state road;

Bill No. 256, to provide for a state road therein named;

Bill No. 263, for the relief of John Tate;

Bill No. 275, to amend an act authorizing the election of a justice of the peace and constable in the town of Fredericksburgh, Washington county;

Bill No. 278, to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;

Bill No. 280, relative to the board of commissioners of Knox county;

Bill No. 288, to incorporate the New Albany patent bagging manufacturing company;

Bill No. 289, for the relief of John Brown;

Bill No. 290, to provide for the election of an additional justice of the peace in Silver creek township, Clark county;

Bill No. 297, for the location of a state road in the county of Brown;

Bill No. 311, to incorporate the Hoosier company of Clark county;

Bill No. 312, to direct the fencing of the grave yard on the poor farm in Marion county;

Bill No. 313, regulating the jurisdiction of the justices of the peace in Spencer county;

Bill No. 314, changing the time of holding probate courts in Clay county;

Bill No. 315, to extend the provisions of an act for the preservation of sheep to the county of Delaware ;

Bill No. 316, to amend an act entitled an act to provide for the mode of doing township business in Miami county, approved December 24, 1840 ;

Bill No. 322, to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes ;

Bill No. 323, to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named ;

Bill No. 325, concerning the Union county seminary ;

Bill No. 331, to incorporate the Jefferson fire engine and hose company, No. 1 ;

Bill No. 337, to authorize John Bates and Jared Ball & Company to build a mill dam across the Little St. Joseph river in DeKalb county ;

Bill No. 339, to authorize the board doing county business in the county of Tippecanoe to establish additional ferries therein ;

Bill No. 340, for the relief of the late collector of Fayette county ;

Bill No. 341, for the benefit of a private school in Marion county ;

Bill No. 343, appointing bridge commissioners in the counties of Spencer and Perry, and defining their duties ;

Bill No. 345, to authorize the children of Joseph Richardville to inherit the property of their ancestors ;

Bill No. 346, to prevent the use or adoption of the county seminary in Franklin county as a district school house and for other purposes.

Bill No. 347, to amend the act supplemental to an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges, approved February 10, 1831, approved February 16, 1839 ;

Bill No. 351, for the relief of the school commissioners of Greene county ;

Bill No. 359, to amend an act incorporating the city of Logansport, approved February 17, 1838 ;

Bill No. 362, supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23 June, 1836, approved February 6, 1837 ;

Bill No. 363, to exempt the lands of revolutionary soldiers from taxation ;

Bill No. 368, to provide for the assessor of the county of Harrison to qualify ;

All of which bills are of the House of Representatives, and were read a second time and passed to a third reading on to-morrow.

Bill No. 224, to provide for the location of a state road in the county of Ripley,

Read a second time.

On motion of Mr. Cornett,

The rules were dispensed with, the bill read a third time and passed.

Joint resolution No. 228, on the subject of the repeal of the bankrupt law,

Read a second time ; when

Mr. Parker moved to indefinitely postpone said joint resolution.

The ayes and noes were demanded by Messrs. Parker and Gregory:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Davis, Elliott, Everts, Gregory, Hoover of T., Moffatt, Morgan, Mount, Parker, Pitcher, Reeve, Sheets, Stevenson, Watts and Wright.—22.

Those who voted in the negative were,

Messrs. Angle, Berry, Bright, Carr of J., Carr of L., Chamberlain, Cornett, Dobson, Eggleston, Foster, Harris, Hatfield, Herriman, Hoover of W., Kinzer, Milier, Nave, Nickel, Parks, Read, Roberts, Sands, Shanks, Sinclear, Tannehill, Walpole and West.—27.

So the motion to indefinitely postpone did not prevail.

The question then being on ordering said joint resolution to be engrossed and read a third time, it was decided in the affirmative.

Bill No. 235, to reduce the salaries of certain officers therein named,

Read a second time and referred (on motion of Mr. Herriman) to the judiciary committee ;

Bill No. 182 of the House, to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841 ;

Read a second time and amended by inserting the "county of Orange."

The bill was then ordered to a third reading on to-morrow ;

Bill No. 210 of the House, for the location of the seat of justice in the county of Benton,

Read a second time, and

On motion of Mr. Sheets, was laid on the table.

On motion of Mr. Chamberlain,

The orders of business were suspended and leave granted him to introduce the following resolution :

Resolved, That the House of Representatives be requested to return to the Senate the message thereof, announcing the concurrence of the Senate in the resolution of the House, fixing the time of adjournment of the present General Assembly *sine die*, on the 31st of January, inst., together with said resolution.

The question being on the adoption of the resolution ;

The ayes and noes were demanded by Messrs. Parker and Gregory :

Those who voted in the affirmative were,

Messrs. Baird, Carr of J., Carr of L., Chamberlain, Eggleston, Foster, Harris, Herriman, Hoover of W., Miller, Moffatt, Reeve, Roberts, Tannehill, Walpole and West.—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Blair, Bradley, Burke, Carnan, Collins, Cornett, Davis, Dobson, Elliott, Everts, Gregory, Hatfield, Herriott, Hoover of T., Kinzer, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Sands, Shanks, Sheets, Sinclair, Stevenson, Watts and Wright.—33.

So the resolution was not adopted.

On motion of Mr. Parker,

The rules were further suspended and leave granted him to introduce the following preamble and resolution :

Whereas the investigating committee on the part of the Senate has at the cost of much labor to themselves and money to the State procured an immense amount of testimony relative to the financial negotiations of the State, and the management of her public works generally, and whereas, because of the complex and, in some instances, uncertain character of the testimony, it is deemed impracticable to digest, analyze, and arrange the whole in the course of the few days which the General Assembly will continue in session, in such a way as, with any tolerable degree of certainty, to do justice to the conduct and character of the large number of prominent individuals, whose doings have been by the committee investigated, and then have the legislative action thereon, that the developments may indicate as being expedient; therefore,

Resolved, That Joseph C. Eggleston, the chairman of said committee, be, and he is hereby authorized and requested, to take into his possession the journal of the committee, and all other papers appertaining to said investigation, that he may read, and that he digest, analyze, and arrange the same in as lucid and satisfactory a manner as possible, and that he report the same with such remarks and suggestions as he may think advisable to the Governor in time that — copies may be printed to be laid before the next General Assembly at the opening of the session, and for the purpose of explaining and perfecting the investigation as he may deem expedient in order to a full understanding of the whole matter, the said Joseph C. Eggleston is hereby authorized to send for any additional persons or papers that he may desire.

On motion of Mr. Stevenson

Said preamble and resolution were laid on the table.

Bill No. 227 of the House, to regulate the summoning of petit jurors in Dearborn county;

Read a second time and,

On motion of Mr. Watts,

Referred to a select committee.

Ordered that Messrs Watts, Nave, and Elliott, compose said committee.

Bill No. 230 of the House, authorizing the board of county commissioners of Kosciusko county to rescind an order by them made;

Read a second time, when

On motion of Mr. Morgan,

The county of Decatur was inserted within the provisions of the bill.

The bill was then ordered to a third reading.

Joint resolution of the House No. 236, designating the same day throughout the United States for the election of President and Vice President;

Read a second time and,

On motion of Mr. Collins,

Referred to a select committee.

Ordered, that Messrs. Collins, Carnan, and Herriott, compose said committee.

Bill No. 249 of the House, to amend an act to incorporate the Lawrenceburg and Napoleon turnpike company;

Read a second time and,

On motion of Mr. Watts,

Referred to the committee on corporations.

Bill No. 261 of the House, to amend an act to incorporate the town of Newport, Wayne county, Indiana, app. Feb. 7, 1838;

Read a second time and,

On motion of Mr. Chamberlin,

Referred to the committee on corporations.

Bill No. 273 of the House, to vacate part of Grimes' addition to the town of Delphi, Carroll county;

Read a second time, when

Mr. Harris moved that the rules be suspended and the bill read a third time now;

Which motion did not prevail.

The bill was then ordered to a third reading.

Bill No. 274 of the House, to incorporate the Peru Bridge Company;

Read a second time and,

On motion of Mr. Moffatt,

Referred to the committee on corporations.

Bill No. 281 of the House, to amend an act entitled an act directing the mode of suing out and prosecuting writs of *habeas corpus*;

Read a second time and,

On motion of Mr. Pitcher,

Referred to the judiciary committee.

Bill No. 294 of the House, for the benefit of Blackford county;

Read a second time and,

On motion of Mr. Morgan,

Referred to the committee on claims.

Bill No. 299 of the House, taxing individual stock in the several branches of the State Bank of Indiana;

Read a second time and,

On motion of Mr. Stevenson,

Referred to the committee on the State Bank.

Bill No. 306 of the House, to legalize the assignment of certain certificates of purchase of school lands in Hancock county;

Read a second time and referred, on motion, to a select committee.

Ordered that Messrs. Walpole, Morgan and Berry compose said committee.

Bill No. 318 of the House, supplemental to an act entitled an act to amend an act entitled an act authorizing the appointment of constables and defining their duties;

Read a second time.

Mr. Nave moved to amend the bill by making it general in its operations.

On motion of Mr. Harris,

Said bill was referred to a select committee with the proposed amendment of Mr. Nave as instructions.

Ordered that Messrs. Harris, Nave and Cornett compose said committee.

Bill No. 320 of the House, to locate a State road in Clay county;

Read a second time and,

On motion of Mr. Collins,

Referred to a select committee.

Ordered that Messrs. Stevenson, Dobson and Moffatt compose said committee.

Bill No. 324 of the House, for the relief of Abraham Perkins, collector of the State and county revenue for the county of Daviess, in the year 1840;

Read a second time, when,

On motion of Mr. Davis,

The bill was amended by striking out the "first day of December, 1842," and inserting "second Monday in May, 1843," in lieu thereof.

The bill was then ordered to a third reading on to-morrow.

Bill No. 326 of the House, for the relief of the late collectors of the State and county revenue of Orange county for the years 1839 and 1840;

Read a second time, and,

On motion of Mr. Sands,

Referred to a select committee.

Ordered that Messrs. Sands, Miller and Shanks compose said committee.

Bill No. 333 of the House, to change the mode of doing county business in the county of Washington;

Read a second time, and,

On motion of Mr. Shanks,

Referred to a select committee.

Ordered that Messrs. Shanks, Bright and Collins compose said committee.

Bill No. 334 of the House;

Read a second time, and,

On motion of Mr. Dobson,

Referred to a select committee.

Ordered that Messrs. Dobson, Moffatt and Stevenson compose said committee.

Bill No. 338 of the House, to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes;

Read a second time, and,

On motion of Mr. Mount,

Referred to the committee on canals and internal improvements.

Bill No. 357, to repeal an act therein named;

Read a second time, and,

On motion of Mr. Nave,

Referred to the committee on roads.

Bill No. 360 of the House, for the relief of Sarah Smith, of Greene county;

Read a second time and passed to a third reading on to-morrow.

The following message was received from the House of Representatives by Mr. Brown of M., a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed the following bill, to-wit:

A bill for the relief of purchasers of lots in Indianapolis,

In which the concurrence of the Senate is requested.

They have also passed the following bill of the Senate without amendment, to-wit:

A bill in relation to the Marion County Library;

The bill was read a first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives by Mr. Brown of M., a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed a bill to authorize the collection of State revenue in those counties which have failed to collect the same for the year 1841, in which I am instructed to ask the concurrence of the Senate.

The bill was read a first time and passed to a second reading on to-morrow.

On motion of Mr. West,

The orders of business were suspended and leave granted him to introduce the following preamble and resolution:

Whereas, by provision of section 10 of the act of Feb. 13, 1841, it is made the duty of the fund commissioner annually to make a full report to the Governor of all his proceedings, to be laid before the General Assembly, and at other times as requested. Therefore be it

Resolved, That Noah Noble, fund commissioner, be requested to send to the Senate a particular report of all his proceedings, together with a particular statement of all cash transactions; also, as to any contracts he may have made in behalf of the State, and that said report be made to the Senate as early as possible.

On motion of Mr. Watts,

Said resolution was amended by striking out the preamble from the same.

On motion of Mr. Stevenson,

Said resolution was further amended by adding the words "that has not already been" in their proper place.

The question then being on the adoption of the resolution as amended, it was so adopted.

On motion of Mr. Pitcher,

The orders of business were further dispensed with and leave granted him to introduce the following resolution:

Resolved, That the enrolling secretary be authorized to employ an assistant or assistants if necessary to perform the duty devolving upon him.

Which was adopted.

The following message was received from the House of Representatives:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate, to-wit:

No. 77—An act to amend the several acts for the regulation of the State Prison;

No. 90—An act to repeal an act entitled an act to authorize Thos. S. Hinde to establish a ferry therein named, approved January 19th 1841;

No. 92—An act to prevent the further sale or hypothecation of Indiana State bonds by any fund commissioner or other agent of State;

No. 98—An act to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24th, 1840;

No. 104—An act to authorize agents of the surplus revenue and others to dispose of lands by them bid off in behalf of the State;

No. 112—A joint resolution authorizing the distribution of the revised laws of 1838 to Randolph county;

No. 113—A joint resolution in relation to Indiana University;

No. 116—An act concerning criminal practice;

No. 155—An act to vacate certain lots in the town of Edinburgh in Johnson county;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

On motion of Mr. Sands,

The orders of business were further dispensed with, and leave granted him to make the following report:

MR. PRESIDENT :

The select committee to whom was referred bill [No.] 326, for the relief of the late collectors of the State and county revenue for the years 1839 and 1840, have had the same under consideration and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading on to-morrow.

On motion of Mr. Carr of Lawrence,

The orders of business were further dispensed with and leave granted him to make the following report:

MR. PRESIDENT :

The select committee to which was referred bill of the House of Representatives No. 87, relative to a dam across the east fork of White river, in Lawrence county, have according to order had the same under consideration and have directed me to report the same back to the Senate with one amendment, as follows: Strike out the fourth section of the bill.

The report was concurred in and the bill ordered to a third reading on to-morrow.

On motion of Mr. Chamberlain,

The orders of business were further dispensed with, and leave granted him to make the following report:

MR. PRESIDENT :

The committee on corporations to whom was referred the annual report of the Vernon Savings Institution, and also the annual report of the Indiana Mutual Fire Insurance Company, have had those subjects under consideration and not being aware of any legislative action being necessary in reference to either, report them back to the Senate and recommend that they be laid on the table.

The report was concurred in and said reports laid on the table.

The Senate resumed the consideration of bill No. 96 of the House to pay the contractors on the Madison and Indianapolis Railroad, which was pending on adjournment last.

The question being on the indefinite postponement of the bill,

Mr. Moffatt moved a call of the Senate,
Which motion did not prevail.
The question recurring on indefinitely postponing,
The ayes and noes were demanded by Messrs. Gregory and Aker:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Berry, Blair, Burke, Carr of Lawrence, Car-
nan, Cornett, Gregory, Hoover of Wayne, Miller, Moffatt, Morgan,
Mount, Nave, Pitcher, Reeve, Stevenson and Watts—19.

Those who voted in the negative were,

Messrs. Angle, Bradley, Bright, Carr of Jackson, Chamberlain,
Collins, Davis, Dobson, Elliott, Everts, Foster, Harris, Hatfield, Her-
riman, Herriott, Nickel, Parker, Parks, Read, Roberts, Shanks, Sin-
clear, Tannehill, Walpole and West—25.

So the motion to indefinitely postpone failed.

Mr. Stevenson moved to amend by striking out "six per cent. in-
terest" wherever it occurs.

On motion,
The Senate adjourned.

WEDNESDAY, JAN. 26, 1842.

The Senate assembled.

On motion of Mr. Carr of Jackson,

The reading of yesterday's journal was dispensed with.

The following message was received from the House of Represen-
tatives by Mr. Brown, their principal clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate
that the House has passed without amendment the following engrossed
bills of the Senate, to-wit:

- No. 146, an act relative to exchange brokers;
- No. 153, an act authorising the sale of the six chain reservation of
land bordering on the Wabash and Erie canal;
- No. 181, an act to incorporate the Franklin turnpike company;
- No. 182, an act to legalise the election of trustees of the town of
Vevay, Indiana;

No. 187, an act declaring a certain word a misprint and for other
purposes, relative to the county of Orange;

No. 192, an act to vacate a certain state road in the county of St.
Joseph;

No. 193, an act for the relief of Elizabeth Ann McConnehay, *alias*
Elizabeth Ann Holmes;

No. 202, an act to authorise the board of trustees of the county
seminary of Tippecanoe county to sell and convey certain real estate
therein named;

No. 206, an act further to amend an act entitled an act for the pre-
vention of frauds and perjuries, approved January 24, 1831;

No. 234, an act to provide for the survey of the town of Perrys-
ville in Vermillion county.

The House has passed with amendments the following engrossed
bills of the Senate:

No. 114, an act reorganising the first judicial circuit and fixing the
times of holding courts therein and for other purposes;

No. 161, an act fixing the time of holding courts in the seventh ju-
dicial circuit and for other purposes;

No. 169, an act to incorporate the Indianapolis, Crawfordsville and
Lafayette turnpike company.

The House has concurred with an amendment to the amendment
of the Senate to bill of the House,

No. 69, an act regulating the duties of clerks of the circuit courts
and county auditors.

Also, without amendment, to the following bills of the House, to-
wit:

No. 195, an act fixing the times of holding courts in the fourth
judicial circuit;

No. 257, an act to confine voters to their respective townships in
certain counties therein named;

No. 45, an act to provide for the collection of [the] state and county
revenue of Vanderburgh county for the year 1841.

The House has appointed Messrs. Hannegan and Chapman of La-
porte a committee of free conference to act with a similar committee
appointed on the part of the Senate to take into consideration the
disagreement of the two Houses in relation to the amendments of the
Senate to bill of the House

No. 44, an act for the relief of the borrowers of the surplus revenue
and other funds.

The House has passed the following engrossed bills thereof, to-wit:

- No. 348, an act to regulate the duties of clerks and recorders;
- No. 380, an act to authorise the boards doing county business in
the counties of Warrick and Spencer to appoint viewers to view a
state road from Boonville to Mackville;
- No. 381, an act to provide for removing obstructions in the St. Jo-
seph's river in the counties of Elkhart and St. Joseph;
- No. 384, an act to authorise Philip Mason to convey certain lots to
Pinckney James and for other purposes;

No. 385, an act for the location of a state road in Kosciusko county and for other purposes;

No. 388, an act to limit the time of holding the circuit courts in Vigo county;

No. 387, an act to legalise the acts of the probate courts and county commissioners' courts in the county of Boone;

No. 386, an act to regulate the duties of justices of the peace and constables of Shelby county.

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House has signed the following enrolled bills of the Senate, to-wit:

No. 20, an act for the relief of owners of Wabash and Erie canal lands;

No. 122, an act to review and relocate so much of the state road from Fredonia to the mouth of the Wabash as lies in Warrick county;

No. 125, an act giving the collector of Decatur county for the year 1840 further time to collect the balance due said collector;

No. 198, an act relative to a state road in Washington and Clark counties;

No. 200, a joint resolution in relation to the Wabash and Erie canal lands;

No. 208, an act for the relief of the trustees of the Mount Salem church in Monroe county;

No. 211, an act to amend an act relative to the surplus revenue of the United States allotted to Carroll county, approved February 10, 1841;

No. 212, an act relative to the public square in the town of Evansville, Vanderburgh county;

No. 217, an act for the relief of Ebenezer S. Hawly, former collector of Ripley county.

Also, the following enrolled bill of the House:

No. 269, an act to amend the act entitled an act to fix the time of holding the courts in the fifth circuit.

Which several bills I am instructed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

The House has reciprocated the resolution of the Senate requesting the House to return to the Senate bill of the House No. 177.

On motion of Mr. Harris,

The Senate disagreed to the amendment of the House to bill No. 114, of the Senate, in said message.

Mr. Carnan moved that the Senate concur in the amendment of the House to bill of the Senate No. 161, in said message.

On motion of Mr. Bradley,

Said bill and amendments were laid on the table.

On motion of Mr. Gregory,

The Senate concurred in the amendment of the House to bill of the Senate No. 169, in said message.

On motion of Mr. Parker,

The Senate concurred in the amendments of the House to bill of the Senate No. 69, in said message.

Bills Nos. 348, 381, 384, 388 and 387, in said message, were read a first time and passed to a second reading on to-morrow.

Bill No. 380, in said message;

Read a first time, when,

On motion of Mr. Roberts,

The rules were suspended, the bill read a second and third times and passed.

Bill No. 385, in said message;

Read a first time, when,

On motion of Mr. Baird,

The rules were suspended, the bill read a second and third times and passed.

Bill No. 386, in said message;

Read a first time, when,

On motion of Mr. Nickel,

The rules were suspended, the bill read a second and third times and was passed.

REPORTS FROM STANDING COMMITTEES.

The Senate resumed the consideration of the question pending on adjournment, it being the amendment of Mr. Stevenson to the

Bill of the House No. 96, to pay the contractors on the Madison and Indianapolis Railroad.

On motion of Mr. Baird,

A call of the Senate was ordered.

The absentees were

Messrs. Chamberlain, Eggleston, Everts, Walpole and West.

On motion of Mr. Morgan,

The absentees were sent for.

On motion of Mr. Collins,

Leave was granted him to make the following report from the standing committee on the State Bank.

On motion of Mr. Wright,

Said report was laid on the table and 500 copies ordered to be printed.

On motion of Mr. Bright,

Leave was granted him to make the following report:

MR. PERSIDENT:

The committee on corporations to which was referred bill of the House No. 196, entitled a bill to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, have had that subject under consideration and directed me to report the same back to the Senate with one amendment as follows.—Add an 11th section:

Provided however, That this act shall not be in force, until a majority of the qualified voters within the incorporated limits of the city of

Madison shall declare their assent or dissent to the same, and for the purpose of enabling them so to do, the corporate authorities of said city shall cause to be opened at each of the wards in said city at their annual city election in April next, a poll book, in one column of which shall be entered the assent of each voter to the acceptance of this act, and in another column the dissent of such voters to the acceptance of this act, and in case a majority of the voters of said city shall at said election vote in favor of this act, then and in that case the same is hereby declared to be in full force from the date of said election; and if on the contrary a majority of such voters shall vote against the adoption and operation of this act, then and in that case, the same is hereby declared null and void and none effect. The corporate authorities of said city shall cause the foregoing act to be printed in one or more of the public newspapers of said city for four weeks successively, before the 1st day of April, 1842. With this amendment the committee recommend the passage of the bill.

The report was concurred in and the bill ordered to a third reading on to-morrow.

On motion of Mr. Cornett,

Leave was granted him to make the following report :

MR. PRESIDENT :

The select committee to which was referred the petition of George Nicholson and others, citizens of Ripley county, have had the same under consideration and directed me to report the following bill :

Bill No. 235, supplemental to act entitled an act to relocate part of a state road therein named,

Read a first time when the rules were suspended and the bill read a second time.

On motion of Mr. Blair,

Said bill was amended by adding the following as an additional section :

SEC. That Josiah Zeiger of Vermillion county, be appointed a commissioner to carry into effect the provisions of the seventeenth section of an act entitled an act relating to state roads, approved February 24, 1840, when,

On motion of Mr. Cornett,

The rules were further dispensed with, the bill read a third time and passed.

On motion of Mr. Shanks,

Leave was granted him to make the following report :

MR. PRESIDENT :

The select committee to which was referred a bill of the House, No. 333, to change the mode of doing county business in the county of Washington, have had the same under consideration and have made one amendment thereto, and recommend its passage.

Strike it out from the enacting clause and insert a substitute.

The report was concurred in, the rules dispensed with, the bill read a third time and passed.

On motion of Mr. Watts,

Leave was granted him to make the following report :

MR. PRESIDENT :

The select committee to which was referred bill of the House No. 227, to regulate the summoning of petit jurors in Dearborn county, report the same to the Senate without amendment and recommend its passage.

The report was concurred in, (the rules suspended) the bill read a third time and passed.

On motion of Mr. Read,

Leave was granted him to make the following report :

MR. PRESIDENT :

The select committee to whom was referred a petition from sundry citizens of Silver creek township, Clark county, in relation to the election of a justice of the peace, report that they have had that subject under their consideration and upon examination find that a bill is now before the Senate, referring the subject to the board doing county business; and it further provides that if a majority of the voters of said township shall remonstrate against the election of an additional justice of the peace, that it shall not be lawful for said board to order an election. The committee therefore ask to be discharged from the further consideration of said petition, believing that the bill above referred to will be satisfactory to the petitioners.

The report was concurred in, and the committee discharged.

On motion of Mr. Parks,

Leave was granted him to make the following report :

MR. PRESIDENT :

The select committee to whom was referred a bill of the Senate No. 188, attaching Morgan county to the 10th judicial circuit and for other purposes, have had the same under consideration and have directed me to report it back to the Senate and recommend that further legislation on this subject is unnecessary inasmuch as there is a law covering the case. Therefore, the committee ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

On motion of Mr. Sands,

A further call of the Senate was dispensed with.

The question recurring on the amendment pending on adjournment, Mr. Stevenson so modified his amendment as to read as follows :

"To strike out so much as relates to interest."

The question being on its adoption it was decided in the affirmative.

On motion of Mr. Gregory,
Said bill was so amended as to read "one fourth of one per cent."
in lieu of "one fourth per cent."

The question recurring on ordering the amendments to be engrossed and the bill to a third reading ;

The ayes and noes were demanded by Messrs. Gregory and Baird :

Those who voted in the affirmative were,

Messrs. Bright, Carr of J., Chamberlain, Elliott, Foster, Herriman, Herriott, Parks, Tannehill, and West—10.

Those who voted in the negative were,

Messrs. Aker, Baird, Berry, Blair, Bradley, Burke, Carr of L., Carman, Collins, Cornett, Dobson, Eggleston, Everts, Gregory, Harris, Hatfield, Hoover of T., Hoover of W., Miller, Moffatt, Morgan, Mount, Nave, Pitcher, Read, Reeve, Sands, Shanks, Sheets, Sinclear, Stevenson, Walpole, and Watts—33.

So the bill was lost.

Mr. Baird made the following report:

MR. PRESIDENT :

The committee on canals and internal improvements to whom was referred a joint resolution of the House of Representatives No. 329, entitled "a joint resolution to prevent any further expenditures on the Madison and Indianapolis railroad," have had the same under consideration and directed me to report it back to the Senate and recommend its indefinite postponement.

The report was concurred in and the joint resolution indefinitely postponed.

Mr. Pitcher from the committee on the State Bank made the following report:

MR. PRESIDENT:

The committee on the State Bank to whom was referred the bill entitled "a bill to prevent usurious practices," have according to order had the same under consideration and have instructed me to report the same back to the Senate and recommend that it be laid upon the table.

The report was concurred in and the bill laid on the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Harris made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill of the House of Representatives,

No. 318, an act supplemental to an act entitled an act to amend an act entitled an act authorizing the appointment of constables and defining their duties, with instructions to make its provisions general in their operation, have had the same under consideration and have made one amendment ; in which they ask the concurrence of the Senate, and upon adoption of the amendment they recommend the passage of the bill.

Amendment.—Strike out the bill from the enacting clause, and insert the one herewith reported.

Mr. Chamberlain moved that the county of Elkhart be excepted from the provisions of said bill ;

Which motion did not prevail.

Mr. Watts moved to amend as follows :

Provided however, That the provisions of this act shall not extend to any contract for specie ;

Which motion did not prevail.

On motion of Mr. Parker,

The bill was amended by inserting after the word "specie" the words "and refuse bankable paper."

Mr. Carr of J. moved to amend as follows :

Provided, That if the State Bank of Indiana shall resume specie payments on all its notes, then, and in that case, said stay shall be six months only ;

Which motion did not prevail.

The question recurring on concurring in the report as amended ;

The ayes and noes were demanded by Messrs. Chamberlain and Moffatt :

Those who voted in the affirmative were,

Messrs. Aker, Berry, Bradley, Carman, Cornett, Davis, Dobson, Foster, Gregory, Harris, Hatfield, Miller, Moffatt, Morgan, Mount, Nave, Parker, Pitcher, Reeve, Sands, Sinclear, Stevenson, Tannehill, Walpole and West.—25.

Those who voted in the negative were,

Messrs. Baird, Blair, Burke, Carr of J., Carr of L., Chamberlain, Collins, Elliott, Everts, Herriman, Hoover of T., Hoover of W., Kinzer, Nickel, Parks, Read, Shanks, Sheets, Watts and Wright.—20.

So the report was concurred in.

On motion of Mr. Nave,

The rules were suspended, the amendments considered as engrossed and the bill as amended read a third time now.

The question being on the passage of the bill ;
The ayes and noes were demanded by Messrs. Herriman and Chamberlain :

Those who voted in the affirmative were,

Messrs. Aker, Berry, Blair, Bradley, Burke, Carnan, Cornett, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parks, Pitcher, Reeve, Sands, Sinclear, Stevenson, Walpole and West.—30.

Those who voted in the negative were,

Messrs. Baird, Bright, Carr of J., Carr of L., Chamberlain, Collins, Elliott, Herriman, Hoover of T., Hoover of W., Parks, Read, Shanks, Sheets, Watts and Wright.—16.

So the bill was passed.

On motion of Mr. Chamberlain

The orders of business were suspended and leave granted him to introduce the following resolution :

Resolved, That after Thursday next, at 12 o'clock, M., no new business shall be received by the Senate ;

Which was adopted.

Mr. Collins made the following report :

MR. PRESIDENT :

The select committee to which was referred a joint resolution designating the same day throughout the United States for the election of President and Vice President, have had the same under consideration and have instructed me to report the same back to the Senate without amendment and to recommend its passage.

On motion of Mr. Nave,

The rules were suspended, the bill read a third time and passed.

The following message was received from the House of Representatives, by Mr. Brown, their principal clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to return to the Senate, in compliance with their request, the message announcing the concurrence of the Senate in the amendments of the House of Representatives to the first amendment of the Senate to the bill of the House, No. 177, to repeal an act converting the sinking fund, saline, college, surplus revenue, and state bank funds into bank stock.

On motion of Mr. Elliott,

The Senate concurred in the first amendment of the House to amendment of the Senate to said bill of the House.

On motion of Mr. Parker,

The Senate insisted on their second amendment to the bill of the House in said message.

Mr. Chamberlain moved that the Senate insist on their third amendment to the bill of the House in said message ;

Which motion did not prevail.

Mr. Moffatt moved that the Senate recede from their third amendment to the aforesaid bill.

The ayes and noes were demanded by Messrs. Chamberlain and ——— :

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Burke, Carnan, Collins, Elliott, Everts, Gregory, Herriott, Hoover of T., Hoover of W., Moffatt, Morgan, Mount, Nave, Parker, Reeve, Sands, Watts and Wright.—22.

Those who voted in the negative were,

Messrs. Berry, Bright, Carr of L., Chamberlain, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Miller, Nickel, Parks, Read, Roberts, Sheets, Sinclear, Walpole and West.—19.

So the motion to recede prevailed.

On motion of Mr. Morgan,

The Senate insisted on their fourth amendment to the aforesaid bill of the House.

On motion of Mr. Sands,

The orders of business were suspended and leave granted him to introduce bill No. 236, entitled a bill in relation to district schools in Orange county ;

Read three several times, (the rules having been dispensed with,) and passed.

On motion of Mr. Baird,

The orders of business were further dispensed with and leave granted him to present the petition of John Wilkins and sundry others, praying that all students in this State may be exempt from military duty, working on roads, &c., &c. ; which, on his motion, was laid on the table.

On motion of Mr. Harris,

The orders of business were further dispensed with and leave granted him to introduce

No. 237, a joint resolution providing for the preservation of the manuscript Journals of the Senate and House of Representatives,

Read three several times (the rules being dispensed with) and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

BILLS ON THEIR THIRD READING:—

Bill No. 219 of the House, to amend an act entitled an act to amend an act entitled an act regulating public roads and highways, approved February 17, 1838,

Read a third time: when

On motion of Mr. Watts,
Said bill was laid on the table.

Bill No. 246, of the House, to amend an act regulating damages on protested bills of exchange, approved February 17, 1838.

On motion of Mr. Morgan,

Said bill was by unanimous consent amended by striking out that part which relates to publication; when

On motion of Mr. Pitcher,
Said bill was laid on the table.

Bill No. 273, to vacate part of Grimes's addition to the town of Delphi, Carroll county;

Read a third time, when,

On motion of Mr. Harris,

By unanimous consent the bill was amended as follows:

Provided, That nothing in this act shall be so construed as to effect the rights of any purchaser or purchasers of any lot or lots in said addition.

The question being on the passage of the bill as amended,

It was decided in the affirmative.

Bill No. 222, to relocate a certain road in Daviess county;

Bill No. 223, to keep in repair the Cumberland and Michigan roads;

Bill No. 229, for the relief of P. C. Dunning, assignee of Michael Keith;

All of which bills were severally read a third time and passed.

Bill No. 220, declaring a certain name a misprint and for other purposes;

Bill No. 214, to amend an act locating a certain state road therein named;

Bill No. 218, to amend an act entitled an act to incorporate the trustees of the Daviess county seminary;

Bill No. 221, to amend an act entitled an act to establish seats of justice in new counties, approved January 14, 1824;

Bill No. 224, to amend an act concerning insane persons, approved January 22, 1818;

Bill No. 225, for the election of a justice of the peace in St. Louis, Bartholomew county;

Bill No. 244, to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county;

Bill No. 248, to amend an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress; approved June 23, 1836, approved February 6, 1837;

Bill No. 254, to declare a certain road in Washington county a state road;

Bill No. 256, to provide for a state road therein named;

Bill No. 263, for the relief of John Tate;

Bill No. 275, to amend an act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, Washington county;

Bill No. 278, to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;

Bill No. 280, relative to the board of commissioners of Knox county;

Bill No. 288, to incorporate the New Albany patent bagging manufacturing company;

Bill No. 289, for the relief of John Brown;

Bill No. 290, to provide for the election of an additional justice of the peace in Silver creek township, Clark county;

Bill No. 297, for the location of a state road in the county of Brown;

Bill No. 311, to incorporate the Hoosier company of Clark county;

Bill No. 312, to direct the fencing of the grave yard on the poor farm in Marion county;

Bill No. 313, regulating the jurisdiction of the justices of the peace in Spencer county;

Bill No. 314, changing the time of holding probate courts in Clay county;

Bill No. 315, to extend the provisions of an act for the preservation of sheep to the county of Delaware;

Bill No. 316, to amend an act entitled an act to provide for the mode of doing township business in Miami county, approved December 24, 1840;

Bill No. 322, to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes;

Bill No. 323, to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named;

Bill No. 325, concerning the Union county seminary;

Bill No. 331, to incorporate the Jefferson fire engine and hose company, No. 1;

Bill No. 337, to authorize John Bates and Jared Ball & Company to build a mill dam across the Little St. Joseph river in DeKalb county;

Bill No. 339, to authorize the board doing county business in the county of Tippecanoe to establish additional ferries therein ;

Bill No. 340, for the relief of the late collector of Fayette county ;

Bill No. 341, for the benefit of a private school in Marion county ;

Bill No. 343, appointing bridge commissioners in the counties of Spencer and Perry, and defining their duties ;

Bill No. 345, to authorize the children of Joseph Richardville to inherit the property of their ancestors ;

Bill No. 346, to prevent the use or adoption of the county seminary in Franklin county as a district school house and for other purposes ;

Bill No. 347, to amend the act supplemental to an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges, approved February 10, 1831, approved February 16, 1839 ;

Bill No. 351, for the relief of the school commissioners of Greene county ;

Bill No. 359, to amend an act incorporating the city of Logansport, approved February 17, 1838 ;

Bill No. 362, supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23 June, 1836, approved February 6, 1837 ;

Bill No. 263, to exempt the lands of revolutionary soldiers from taxation ;

Bill No. 182, to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841 ;

Bill No. 230, to authorise the board of county commissioners of Kosciusko county to rescind an order by them made ;

Bill No. 320, to locate a state road in Clay county ;

Bill No. 324, for the relief of Abraham Perkins, collector of the state and county revenue for the county of Daviess for the year 1840 ;

Bill No. 368, to provide for the assessor of the county of Harrison to qualify ;

Bill No. 387, to legalise the acts of the probate courts and the county commissioners' courts of the county of Boone ;

Bill No. 326, for the relief of the late collectors of the state and county revenues of Orange county for the years 1839 and 1840.

All of said bills of the House of Representatives were separately read a third time and passed.

No. 360, an act for the relief of Sarah Smith of Greene county ;

Read a third time, when

Mr. Carr of Lawrence moved to indefinitely postpone said bill.

The ayes and noes were demanded by Messrs. Carr of Lawrence and Nave.

Those who voted in the affirmative were,

Messrs. Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cor-

nett, Elliott, Miller, Moffatt, Morgan, Mount, Nickel, Sheets, Stevenson, Watis, West and Wright—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bradley, Bright, Burke, Chamberlain, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Parker, Parks, Read, Reeve, Roberts, Sands, Shanks, Sinclear and Tannehill—30.

So the motion to indefinitely postpone failed.

The question then recurring on the passage of the bill,

It was decided in the affirmative.

No. 228, of the Senate, a joint resolution on the subject of the repeal of the bankrupt law ;

Read a third time, and the question being, Shall the joint resolution pass ?

The ayes and noes were demanded by Messrs. Baird and Gregory.

Those who voted in the affirmative were,

Messrs. Angle, Berry, Bright, Carr of Jackson, Carr of Lawrence, Chamberlain, Cornett, Davis, Dobson, Foster, Harris, Hatfield, Herriman, Herriott, Hoover of Wayne, Kinzer, Miller, Nave, Nickel, Parks, Read, Roberts, Sands, Shanks, Sinclear, Tannehill and West—26.

Those who voted in the negative were,

Messrs. Aker, Baird, Bradley, Burke, Carnan, Collins, Elliott, Everts, Gregory, Hoover of Tippecanoe, Moffatt, Morgan, Mount, Parker, Pitcher, Reeve, Sheets, Stevenson, Watts and Wright—20.

So the joint resolution was passed.

Bills on their second reading :

Bill No. 50, of the House, for the prevention of usury ;

Read a second time, and,

On motion of Mr. Gregory,

Referred to the judiciary committee.

Bill No. 305, of the House, for the relief of the purchasers of lots in Indianapolis ;

Read a second time, and,

On motion of Mr. Morgan,

Referred to the committee on claims.

Bill No. 372, of the House, to authorise the collection of state revenue in those counties which have failed to assess and collect the same for the year 1841 ;

Read a second time and passed to a third reading on to-morrow.

Bill No. 366—For the relief of the late collectors of the State and county revenues of Orange county, for the years 1839 and '40;

Read a second time, and,

On motion of Mr. Berry,

Amended by striking out the word "public" in the third line and inserting the words "general and special" in lieu thereof.

The bill was then ordered to a third reading on to-morrow.

Bill No. 371 of the House, to compel speculators to pay a road tax equal to that paid by actual settlers in certain counties therein named;

Read a second time, and,

On motion of Mr. Herriman,

Referred to a select committee.

Ordered that Messrs. Herriman, Davis, Sheets and Mount compose said committee.

Mr. Watts, from a committee of free conference made the following report:

MR. PRESIDENT:

The committee of free conference appointed by the Senate to act with a similar committee on the part of the House to take into consideration the disagreement between the two Houses in reference to bill No. 44 of the House, entitled, "a bill for the relief of the borrowers of the surplus revenue and other funds" have had the subject matter of that disagreement under consideration, and I am directed to report to the Senate that the committee can come to no agreement that will in their opinion be satisfactory to either House; they therefore ask to be discharged from the further consideration of the matter.

The report was concurred in and the committee discharged from the further consideration of the subject.

On motion of Mr. Moffatt,

A similar committee of free conference on the part of the Senate was appointed to take into consideration (with a similar committee to be appointed on the part of the House,) the subject matter still under disagreement.

Ordered that Messrs. Read and Collins compose said committee.

On motion of Mr. Herriman,

All the Senators interested on the subject matter of bill No. 371 were added to the said select committee to whom said bill was referred.

On motion of Mr. Pitcher,

Bill No. 240 of the House, authorizing the administrators of Matthew H. Kempton to bring certain suits in Posey county, was taken from the table.

On his motion, the rules were suspended, the bill read a third time and passed.

Mr. Elliott introduced bill

No. 239—To give further time to the borrowers of the several trust funds;

Read three several times, the rules having been dispensed with, and passed.

Mr. Nave introduced

Bill No. 240—To authorize the board of county commissioners of Hendricks county to rescind an order by them heretofore made;

Read a first time, when,

On motion of Mr. Nave,

The rules were suspended, the bill read a second and third times and passed.

Mr. Dobson made the following report:

MR. PRESIDENT:

The select committee to whom was referred an engrossed bill of the House of Representatives, No. 334, declaring a State road in the counties of Owen, Clay, and Putnam, have had the same under consideration, and made an amendment thereto, which is, to strike out the bill from the enacting clause and insert a substitute herewith submitted.

The report was concurred in, the rules suspended, and the bill read a third time and passed.

On motion of Mr. Read,

The vote taken on the passage of bill No. 334 of the House was reconsidered, and the bill amended by adding an additional section thereto.

The question then being on its passage,

It was decided in the affirmative.

Mr. West introduced bill

No. 241—To authorize the opening of a certain alley in the town of Indianapolis;

Read three several times, the rules being dispensed with, and passed.

Mr. West introduced bill

No. 242—For the relief of John Elder;

Read a first time.

Mr. Baird moved that said bill be rejected.

The ayes and noes were demanded by Messrs. West and Moffatt:

Those who voted in the affirmative were,

Messrs. Aker, Baird, Blair, Bradley, Carr of Lawrence, Collins, Cornett, Davis, Everts, Gregory, Hatfield, Hoover of Wayne, Miller, Moffatt, Morgan Mount, Nave, Parker, Pitcher, Reeve, Sands, Sheets, Sinclear and Watts—24.

Those who voted in the negative were,

Messrs. Aker, Berry, Bright, Carr of Jackson, Carnan, Chamberlain, Dobson, Elliott, Foster, Harris, Herriman, Herriott, Hoover of Tip-

pecanoe, Kinzer, Nickel, Parks, Read, Roberts, Tannehill, West and Wright—21.

So the motion to reject prevailed.

Mr. Carr of Jackson moved to take from the table a bill in relation to female district schools,

Which motion did not prevail.

The following message was received from the House of Representatives by Mr. Brown of Marion, a member:

Mr. PRESIDENT:

I am instructed to inform the Senate that the House has passed the following bill of the Senate without amendment:

No. 44—A bill supplemental to an act entitled an act to provide for a keeper of the State House and Library.

Mr. Harris from the committee on enrolled bills made the following report:

Mr. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills and joint resolution of the Senate, to-wit:

No. 20—An act for the relief of the owners of the Wabash and Erie Canal lands;

No. 122—An act to review and relocate so much of the State road from Fredonia to the mouth of the Wabash as lies in Warrick county;

No. 125—An act giving the collector of Decatur county for the year 1840 further time to collect the balance due said collector;

No. 198—An act relative to a State road in Washington and Clark counties;

No. 200—A joint resolution in relation to the Wabash and Erie Canal lands;

No. 208—An act for the relief of the trustees of the Mount Salem church, in Monroe county;

No. 211—An act to amend an act entitled "an act relative to the surplus revenue of Carroll county," approved February 10, 1841;

No. 212—An act relative to the public square in the town of Evansville, Vanderburg county;

No. 217—An act for the relief of Ebenezer S. Hawley, former collector of Ripley county;

Also, the following enrolled with the engrossed bill of the House of Representatives, to-wit:

No. 269—An act to amend an act entitled an act to fix the times of holding courts in the fifth judicial circuit," approved January 30, 1840;

And have found the same correctly enrolled.

They further report that they did on this day present to his excel-

lency the Governor for his approval and signature the foregoing bills and joint resolution.

The following message was received from his excellency the Governor by his private secretary, Mr. Kiersted:

Mr. PRESIDENT:

I am directed by the Governor to inform the Senate that he has on this day approved and signed the following acts:

No. 20—An act for the relief of the owners of Wabash and Erie Canal lands;

No. 198—An act relative to a State road in Washington and Clark counties;

No. 217—An act for the relief of Ebenezer S. Hawley, former collector Ripley county;

No. 212—An act relative to the public square in Evansville, Vanderburgh county;

No. 211—An act to amend an act entitled an act relative to the surplus revenue of the United States allotted to Carroll county, approved Feb. 10, 1841;

No. 208—An act for the relief of the trustees of the Mount Salem church, in Monroe county;

No. 125—An act giving the collector of Decatur for the year 1840 further time to collect the balance due said collector;

No. 122—An act to review and relocate so much of the State road from Fredonia to the mouth of the Wabash as lies in Warrick county; also,

No. 200—A joint resolution in relation to the Wabash and Erie Canal lands;

All of which originated in the Senate.

On motion,

The Senate adjourned.

THURSDAY, JAN. 27, 1842.

The Senate assembled.

On motion of Mr. Dobson,

The reading of the journals of yesterday were dispensed with.

On motion of Dr. Dobson,

The orders of business were dispensed with and leave granted him to introduce joint resolution

No. 238—For the relief of J. H. & A. Hendricks;

Read a first time, when,

Mr. Dobson moved that the rules be suspended and the joint resolution read a second time now.

Mr. Harris moved a call of the Senate,

Which motion prevailed.

The absentees were Messrs. Berry, Cornett, Davis, Eggleston, Parker, Reeve and Sands.

On motion, Mr. Cornett was excused.

Mr. Morgan moved that the Senate dispense with the further call of the Senate,

Which motion did not prevail.

On motion of Mr. Watts,

The absentees were sent for.

Mr. Tannehill moved that Mr. Eggleston be excused,

Which motion did not prevail.

The following message was received from the House of Representatives by Mr. Bradley, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed without amendment the following engrossed bills and joint resolutions of the Senate, to-wit:

No. 60—An act to repeal so much of a law passed Feb. 15, 1841, as provides for converting the college fund into bank stock and other matters therein contained;

No. 91—An act for the appointment of a commissioner to make deeds and for other purposes;

No. 96—An act to amend an act entitled an act prescribing the duties of county auditor;

No. 102—An act to amend an act for the relief of the poor app. Feb. 17, 1838;

No. 109—An act for the relief of the inhabitants of school district therein named in Orange county;

No. 118—An act to amend an act allowing and regulating the writ of ad quod damnum;

No. 133—An act to legalize the sale of a certain school section therein named;

No. 120—An act to amend the several acts in relation to the surplus revenue;

No. 124—An act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named;

No. 128—An act supplemental to an act entitled an act to amend an act entitled an act organizing circuit courts and defining their powers and duties app. Feb. 15, 1838;

No. 134—An act amendatory to an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, app. Feb. 17, 1838;

No. 135—A joint resolution in relation to the early settlement of this State;

No. 141—An act for the relief of Erastus D. Townsend;

No. 147—An act to amend an act entitled an act to incorporate the Indiana Manufacturing Company;

No. 164—An act to incorporate the citizens band in the county of Daviess;

No. 177—An act to amend an act entitled an act to incorporate the town of Wilmington in Dearborn county;

No. 184—An act to vacate the town of New Hartford in the county of White;

No. 185—An act relocating a part of the old state road lying between the mouth of Bradbury's lane on Middle Fork and where it strikes the said road between sections 15 and 16 in Lancaster township Jefferson county;

No. 204—An act to incorporate the Presbyterian congregation of Lafayette in Tippecanoe county.

No. 207—An act authorizing the county commissioners of Jefferson county to sell and dispose of the poor farm in said county and for other purposes;

No. 209—An act to amend an act entitled an act to establish certain state roads therein named and for other purposes;

No. 224—An act to provide for the location of a state road in the county of Ripley;

No. 226—An act to authorize Elizabeth Neal, a minor, to unite with her husband in the conveyance of real estate;

No. 234—An act to attach a part of Stark county to the county of Laporte;

No. 236—An act for the relief of the borrowers of the sinking fund, surplus revenue, and other funds, and for the better securing the payment thereof;

The House has concurred in amendments of the Senate to bills of the House as follows:

No. 272—An act relative to licensing groceries in the county of Carroll;

No. 310—An act to provide for summoning and empannelling grand and petit jurors in certain counties therein named;

No. 318—An act supplemental to an act entitled an act to amend an act entitled an act authorizing the appointment of constables, and defining their duties;

The House has concurred in the second and third amendments of the Senate to bill of the House

No. 91, an act to amend an act entitled an act to authorise the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe river;

And refused to concur in the first amendment to said bill.

The House insists on its amendments to bill of the Senate

No. 114, an act reorganising the first judicial circuit and fixing the time of holding courts therein and for other purposes.

The House refuses to recede from its disagreement to the second and fourth amendments of the Senate to bill of the House

No. 177, an act to repeal an act converting the sinking, saline, college, surplus revenue, and State Bank funds into bank stock.

The House has concurred in the report of the committee of free conference relative to the payment of the debt due the bank and the resumption of specie payments.

The House has passed the following engrossed bills thereof, to-wit:

No. 283, an act to amend an act entitled an act to provide for the sale of certain lands therein named;

No. 285, an act to legalise a marriage therein specified;

No. 281, an act to amend an act entitled an act to amend an act to allow further time to the Lawrenceburgh and Indianapolis railroad company to settle up and close their affairs, approved February 18, 1840, approved February 4, 1841;

No. 287, an act further to amend an act relating to public roads and highways, approved February 17, 1838;

No. 292, an act for the relief of the widow and heirs of John Reasoner, deceased;

No. 298, an act prescribing the mode of levying and collecting township taxes in the county of Dearborn;

No. 344, an act to create the fourteenth bank district;

No. 352, an act appointing commissioners to locate and relocate state roads therein named;

No. 364, an act to authorise the building of a bridge over Laselles creek;

No. 373, an act for the relief of the late collectors of state and county revenue;

No. 374, an act levying a tax for state purposes and for the gradual redemption of treasury notes;

No. 375, an act making general appropriations for the year 1842;

No. 376, an act making specific appropriations for the year 1842;

No. 377, an act relative to the duties of Auditor and Treasurer of State;

No. 383, a joint resolution for the liquidation of a claim of the late Treasurer of State for duties rendered in relation to the Lawrenceburgh and Indianapolis Railroad Company;

No. 389, an act to incorporate the Garrick Literary Institute;

No. 391, an act for the relief of certain persons therein named;

No. 392, an act to incorporate the Rushville Band;

No. 393, an act to amend an act entitled an act concerning Knox county, approved January 28, 1839;

No. 394, an act to relocate a part of a state road therein named;

No. 396, an act amendatory of an act entitled an act authorising the appointment of constables and defining their duties, approved February 17, 1838;

No. 397, an act to change part of a state road in Greene and Monroe counties;

No. 400, an act to legalise the change of the name of the town of Camden in Jay county;

No. 403, an act repealing the thirty-third section of an act therein named;

No. 405, an act to vacate the town of Castleton in White county;

No. 408, a joint resolution on the subject of a lunatic asylum;

No. 409, an act to reduce the interest on the surplus revenue, sinking fund, saline fund, school and college funds;

No. 410, an act to change the name of the town of Columbia in Tippecanoe county;

No. 411, an act empowering Henry Nelson and Mary M. Nelson, his wife, to convey real estate;

No. 412, an act to locate a certain road therein named;

No. 413, an act authorising Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk, in the conveyance of real estate;

In which the concurrence of the Senate is most respectfully requested.

The House has adopted the following resolution, to-wit:

Resolved, That the Senate be respectfully requested to return to this House bill No. 180, entitled an act in relation to the Marion county library.

On motion of Mr. Elliott,

The Senate receded from their first amendment to the bill No. 91, of the House, in said message.

On motion of Mr. Gregory,

The Senate insisted on their disagreement to the amendment of the House to bill of the Senate No. 114, in said message, and a committee of free conference were appointed on the part of the Senate to take into consideration the subject matter of disagreement.

Messrs. Gregory and Harris were appointed said committee.

On motion of Mr. Morgan,

A committee of free conference was appointed on the part of the Senate to take into consideration the subject matter of disagreement between the two Houses in relation to bill No. 177, in said message.

Ordered, That Messrs. Parker and Collins compose said committee.

On motion of Mr. Harris,

Messrs. Nave and West were added to the committee on enrolled bills.

Bills Nos. 283, 285, 281, 287, 292 and 298, in said message, were read a first time and passed to a second reading.

Bill No. 344, in said message;

Read a first time.

On motion of Mr. Read,

The rules were suspended and the bill read a second time now.

Mr. Morgan moved to refer said bill to the committee on the State Bank;

Which motion did not prevail.

Mr. Read moved that the rules be suspended and the bill read a third time now;

Which was not adopted.

The bill was then ordered to a third reading on to-morrow.

On motion of Mr. Watts,
A further call of the Senate was dispensed with.
The question recurring on Mr. Dobson's motion to suspend the rules and read the joint resolution No. 238 a second time now; when Mr. Dobson withdrew his motion to suspend, and the bill was ordered to a second reading on to-morrow.

Bill No. 352, in said message;

Read a first time, when,

On motion of Mr. Harris,

The rules were suspended and the bill read a second time.

On motion of Mr. Baird,

Said bill was referred to the committee on roads.

Bills Nos. 364 and 374, in said message;

Read a first time and passed to a second reading.

Bill No. 373, in said message;

Read a first time, when,

On motion of Mr. Walpole,

The rules were suspended and the bill read a second and third times and passed.

Bill No. 375, in said message;

Read a first time, when,

On motion of Mr. Walpole,

The rules were suspended, the bill read a second time and laid on the table.

Bill No. 376, in said message;

Read a first time, when,

On motion of Mr. Walpole,

The rules were suspended and the bill read a second time and committed, with the bill No. 375, of the House, to a committee of the whole Senate, and made the order of business now—Mr. Blair in the chair.

The committee, after spending some time therein, arose, when their chairman reported said bill back to the Senate with thirteen amendments to bill No. 376 and asked the concurrence of the Senate therein.

On motion of Mr. Walpole,

The amendments to said bill, made in committee of the whole, were concurred in generally.

Mr. Walpole moved that the rules be suspended, the amendments considered as engrossed and the bill read a third time now.

The ayes and noes were demanded by Messrs. Moffatt and Herri-

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Davis, Dobson, Eggleston, Elliott, Everts, Foster, Gregory, Harris, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Morgan, Mount, Nave, Parker, Parks, Pitcher,

Read, Reeve, Roberts, Sands, Shanks, Sheets, Tannehill, Walpole, West and Wright—39.

Those who voted in the negative were,

Messrs. Berry, Blair, Hatfield, Herriman, Herriott, Moffatt, Nickel, Sinclear, Stevenson and Watts—10.

So the motion to suspend prevailed.

The bills were read a third time, and,

On motion of Mr. Read,

Recommitted to a select committee with instructions to strike out so much as relates to paying officers for counterfeit money received by them.

Ordered, that Messrs. Wright and Walpole compose said committee.

Mr. Nave moved further to instruct said committee to strike out so much as relates to the payment of Mr. Soule for duties as notary public;

Which motion did not prevail.

On motion of Mr. Tannehill,

The orders of business were suspended and leave granted him to introduce

Bill No. 239, to provide for the payment of contractors on the Madison and Indianapolis Railroad.

Read a first time and passed to a second reading on to-morrow.

On motion of Mr. Davis,

The rules were further dispensed with and leave granted him to introduce

Joint resolution No. 240, relative to the Auditor of State;

Read a first time, when

Mr. Read moved that the rules be suspended and the bill read a second time now;

Which motion did not prevail.

The bill was then ordered to a second reading on to-morrow.

On motion of Mr. Bright,

The orders of business were further dispensed with and leave granted him to introduce

Bill No. 241, to amend an act establishing the office and defining the duties of notary public, approved January 26, 1824;

Read a first time and passed to a second reading on to-morrow.

Mr. Herriman moved that the orders of business be further dispensed with and leave granted him to make a report from a select committee;

Which motion did not prevail.

Mr. Walpole moved to suspend the orders of business for the purpose of introducing bills and joint resolutions generally;

Which motion did not prevail.

On motion of Mr. Read,

The rules were suspended and leave granted him to make the following report:

MR. PRESIDENT :

The select committee to whom was referred the bills making specific appropriations for 1842, have had the same under consideration and [have] stricken out the 9th and 10th sections, and report the same back and recommend its passage.

The report was concurred in and the bill as amended passed.

On motion of Mr. Eggleston,

The orders of business were further dispensed with and leave granted him to make a report from the select committee of investigation, appointed for the purpose of investigating the official acts of public officers, &c.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Baird,

The orders of business were suspended and the report of Mr. Eggleston from the committee of investigation was taken up, which was pending on adjournment.

Mr. Baird moved that there be a call of the Senate;

Which motion prevailed.

The absentees were Messrs. Berry, Blair, Bradley, Bright, Burke, Carr of Jackson, Carr of Lawrence, Dobson, Foster and Read.

Mr. Baird moved that the absentees be sent for;

Which motion did not prevail.

On motion of Mr. Herriman,

A further call of the Senate was dispensed with.

After reading the report of great length the committee recommended the passage of the following bill :

No. 242, a bill providing for the appointment of a State Attorney General for one year, and defining his duties,

Read a first time ; when

On motion of Mr. Gregory,

The rules were suspended and the bill read a second time now.

Mr. Eggleston moved to fill the blank in said bill with \$1,500.

Mr. Parker suggested \$3,000.

The question being on filling said blank with \$3000 it was decided in the negative.

Mr. Chamberlain moved to fill said blank with \$2000 ;

Which motion prevailed.

On motion of Mr. Gregory,

The rules were further suspended, and the bill read a third time ;

when, by unanimous consent, the amount inserted was stricken out, and \$1500 inserted in lieu thereof.

The question then being on the passage of the bill;

The ayes and noes were demanded by Messrs. Elliott and Morgan:

Those who voted in the affirmative were,

Messrs. Angle, Baird, Berry, Blair, Bradley, Carr of J., Carr of L., Carnan, Chamberlain, Collins, Davis, Dobson, Eggleston, Everts, Gregory, Harris, Hatfield, Hoover of W., Miller, Moffatt, Mount, Nickel, Parker, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclair, Watts and West.—34.

Those who voted in the negative were,

Messrs. Aker, Bright, Burke, Elliott, Herriott, Hoover of T., Kinzer, Morgan, Parks, Stevenson, Tannehill, Nave and Walpole.—12.

So the bill passed.

On motion of Mr. Collins,

3020 copies of said report from the investigating committee were ordered to be printed.

Mr. Collins from a committee of free conference made the following report :

MR. PRESIDENT :

The committee of free conference appointed to take into consideration the disagreeing votes between the two Houses on the amendments of the Senate to bill of the House No. 177, entitled an engrossed bill to repeal an act converting the sinking, saline, college, surplus revenue, and State Bank funds into bank stock, have had the same under consideration and have agreed that the House of Representatives recede from its disagreements to the said amendments of the Senate, and concur therein.

Mr. Collins from a committee of free conference made the following report :

MR. PRESIDENT :

The committee of free conference to which was referred the disagreeing votes between the two Houses in relation to bill of the House No. 44, entitled a bill for the relief of the borrowers of the surplus revenue and other funds, have met and agreed that the interest on the surplus revenue fund and college fund shall be reduced to seven per cent. and on the common school fund to eight per cent. ; and ask the concurrence of the Senate therein and recommend that the bill so amended be passed. The bill to be further amended as follows :

SEC. And that all laws passed at this session authorizing a

greater rate of interest than seven per cent. per annum on the college and surplus revenue funds and eight per cent. per annum on the common school fund be, and the same are hereby suspended.

Mr. Elliott moved to lay said report on the table.

The ayes and noes were demanded by Messrs. Elliott and Morgan.

Those who voted in the affirmative were,

Messrs. Blair, Bradley, Carr of J., Carr of L., Chamberlain, Cornett, Eggleston, Elliott, Miller, Morgan, Mount, Reeve, Roberts, Sands, Stevenson and Watts.—17.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Burke, Carran, Collins, Davis, Dobson, Everts, Foster, Gregory, Harris, Hatfield, Herriott, Hoover of T., Kinzer, Moffatt, Nickel, Parks, Parker, Pitcher, Read, Shanks, Sheets, Sinclear, Tannehill, Walpole and Wright.—29.

Which motion did not prevail.

Mr. Baird moved that the Senate concur in the report of the aforesaid committee.

Mr. ——— moved that the Senate adjourn ;

Which motion did not prevail.

Mr. Cornett moved for a call of the Senate ;

Which motion did not prevail.

The question then being will the Senate concur in the report of said committee ;

The ayes and noes were demanded by Messrs. Chamberlain and Walpole :

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Burke, Carnan, Collins, Davis, Dobson, Everts, Foster, Gregory, Hatfield, Herriott, Hoover of T., Kinzer, Moffatt, Nickel, Parks, Pitcher, Read, Shanks, Sheets, Sinclear, Tannehill and Walpole.—26.

Those who voted in the negative were,

Messrs. Blair, Bradley, Carr of J., Carr of L., Chamberlain, Cornett, Eggleston, Elliott, Harris, Hoover of W., Herriman, Miller, Morgan, Mount, Parker, Reeve, Roberts, Sands, Stevenson, Watts and Wright.—20.

So the report was concurred in.

The following message was received from the House of Representatives, by Mr. Marshall, a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill of the Senate entitled an act for the relief of the widow, heirs, administrators and securities of Jas. H. Wallace without amendment.

Mr. Harris from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his excellency the Governor, for his approval and signature, the following enrolled bills and joint resolutions of the Senate, to wit :

No. 90, an act to repeal an act entitled an act to authorize Thomas S. Hinde, to establish a ferry therein named, approved January 19, 1841 ;

No. 92, an act to prevent the further sale or hypothecation of Indiana state bonds, by any fund commissioner or other agent of the State ;

No. 98, an act to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840 ;

No. 104, an act to authorize agents of surplus revenue and others to dispose of lands by them bid off on behalf of the State ;

No. 112, a joint resolution authorizing the distribution of the revised laws of 1838, to Randolph county ;

No. 113, a joint resolution of the legislature of the State of Indiana, in relation to Indiana University ;

No. 116, an act concerning criminal practice ;

No. 155, an act to vacate certain lots in the town of Edinburgh in Johnson county.

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved and signed the following acts :

No. 116, an act concerning criminal practice ;

No. 155, an act to vacate certain lots in the town of Edinburgh in Johnson county ;

No. 104, an act to authorize agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State ;

No. 98, an act to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840 ;

No. 92, an act to prevent further sale or hypothecation of Indiana state bonds, by any fund commissioner or other agent of the State ;

No. 90, an act to repeal an act entitled an act to authorize Thomas

S. Hinde to establish a ferry therein named, approved January 19, 1841 ;

Also joint resolutions as follows :

No. 112, a joint resolution authorizing the distribution of the revised laws of 1838 to Randolph county ;

No. 113, a joint resolution of the legislature of the State of Indiana in relation to Indiana University ;

All of which originated in the Senate.

On motion,

The Senate adjourned.

FRIDAY, JAN. 28, 1842.

The Senate assembled.

On motion of Mr. Stevenson,

The reading of yesterday's journal was dispensed with.

The Senate resumed the consideration of the message from the House of Representatives, by Mr. Bradley, a member.

Bills No. 377, 392, 394, 397, 400, 405, 410, 411 and 413, in said message were severally read three times, the rules being dispensed with for that purpose and passed.

Joint resolutions No. 383 and 408 in said message,

Read three several times, the rules being dispensed with, and passed.

Bill No. 389 in said message,

Read a first time, when,

Mr. Morgan moved that the rules be suspended and the bill read a second time now.

Which motion did not prevail.

The bill was then ordered to a second reading on to-morrow.

Bill No. 391 in said message,

Read a first and second times, the rules being dispensed with for that purpose, and,

On motion of Mr. Stevenson,

Was laid on the table.

Bill No. 393 in said message,

Read a first and second times, the rules being dispensed with for that purpose and referred to a select committee.

Ordered that Messrs. Carnan, Collins and Nave compose said committee.

Bills No. 396 and 403 in said message,

Were read a first time and passed to a second reading on to-morrow.

Bill No. 409 in said message,

Read a first and second times, the rules being dispensed with, when,

On motion of Mr. Parks,

Said bill was laid on the table.

On motion of Mr. Baird,

The orders of business were suspended and leave granted him to introduce the following resolution:

Resolved, That the Secretary of State be and he is hereby requested and directed to take possession of the journals and papers connected therewith, of the investigating committee of this Senate, and safely deposite the same in his office, that they may be there safely kept throughout all time to come.

Which was adopted.

On motion of Mr. Carnan,

The orders of business were suspended and leave granted him to introduce the following resolution:

Resolved, That — copies of the report of the select committee of investigation of the Senate, accompanied by the testimony taken by said committee, be printed under the superintendence of the Secretary of the Senate, and that two copies thereof be sent by the agent appointed to distribute the laws of the State to each Senator and Representative of the present General Assembly, and a like number to the Speaker of the House of Representatives and the President of the Senate.

Several amendments were made to said resolution by Messrs. Baird, Berry and Davis, and,

On motion of Mr. Walpole,

The aforesaid resolutions and pending amendments were referred to a select committee.

Ordered that Messrs. Walpole, Parker and Baird compose said committee.

The President laid before the Senate a communication from Milton Stapp, Esq., late fund commissioner, in relation to the report of the investigating committee.

Which was read and referred to a select committee.

Ordered that Messrs. Walpole, Parker and Baird compose said committee.

Mr. Walpole moved that the vote given on ordering 3,000 copies of the report of the investigating committee to be printed be reconsidered.

The ayes and noes were demanded by Messrs. Walpole and Wright:

Those who voted in the affirmative were,

Messrs. Berry, Bright, Burke, Carr of Jackson, Elliott, Everts, Hatfield, Herriman, Herriott, Hoover of Tippecanoe, Hoover of

Wayne, Kinzer, Nave, Nickel, Parks, Read, Shanks, Sheets, Stevenson, Tannehill, Walpole, Watts and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Bradley, Carr of Lawrence, Carnan, Chamberlain, Collins, Cornett, Davis, Dobson, Eggleston, Foster, Gregory, Harris, Moffatt, Morgan, Mount, Parker, Pitcher, Reeve, Roberts, Sands, Sinclear and West—25.

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives by Mr. Montgomery, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Henley and Gorman a committee on the part of the House to act with similar committees appointed on the part of the Senate to take into consideration the disagreement of the two Houses in relation to bills of the House entitled,

No. 44—An act for the relief of the borrowers of the surplus revenue and other funds; also,

No. 177—An act to repeal the act converting certain funds therein named into bank stock.

The House has further appointed Messrs. Robinson of Carroll and Grover a committee of free conference to act in conjunction with a similar committee appointed on the part of the Senate to take into consideration the disagreement of the two Houses in relation to bill of the Senate,

No. 114—An act reorganizing the 1st judicial circuit and fixing the time of holding courts therein and for other purposes.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has passed the following bill:

No. 431—A bill supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836, approved February 6, 1837,

In which I am instructed to ask the concurrence of the Senate.

The House has also passed the following joint resolution of the House:

No. 432—A joint resolution for the relief of Hugh O'Neal,

In which I am instructed to ask the concurrence of the Senate.

Bills No. 431 and 432 in said message were read a first time and passed to a second reading on to-morrow.

On motion of Mr. Chamberlain,

The orders of business were suspended, and leave granted him to make the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred an act to amend an act to incorporate the town of Newport, Wayne county, approved February 7, 1838, have had that subject under consideration and report the same back to the Senate with one amendment, to-wit: add to the end of the bill the following words:

"And shall be subject to amendment or repeal at the pleasure of the legislature."

The report was concurred in, the rules suspended, the amendment considered as engrossed, and the bill read a third time as amended and passed.

Mr. Chamberlain made the following report:

MR. PRESIDENT:

The committee on corporations to which was referred a bill to incorporate the Peru Bridge Company, have had that subject under consideration and report the same back to the Senate with one amendment, to-wit: at the end of the bill add the following words:

"And shall be subject to amendment and repeal at the pleasure of the legislature."

The report was concurred in, the amendment considered as engrossed, the rules suspended, and the bill as amended read a third time and passed.

On motion of Mr. Dobson,

The orders of business were further dispensed with and leave granted him to make the following report:

MR. PRESIDENT:

The committee on claims to whom was referred a bill of the House of Representatives, No. 294, entitled, an act for the benefit of Blackford county, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

On motion of Mr. Dobson,

The rules were suspended, the bill read a third time and passed.

Mr. Dobson made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred an engrossed bill of the House of Representatives No. 305, for the relief of certain purchasers of lots in the town of Indianapolis, have had the same under

consideration and have directed me to report the same back and recommend its passage.

On motion of Mr. Debson,

Said bill was amended as follows:

SEC. — That the provisions of the 1st section of the act entitled an act for the relief of the purchasers of lots in the town of Indianapolis, approved January 20th, 1826, be, and the same is hereby extended to the purchasers of lots in out-block No. 147, and other lots in said town of Indianapolis, sold under the provisions of the act entitled an act to authorize the purchase of a suitable residence for the executive of the State of Indiana, approved Feb. 13th, 1839, on said purchasers complying with the provisions of the 1st section of said act of 1826.

On motion of Mr. Berry

Said bill was amended by striking [out] the words "six per cent," and inserting the words "seven per cent" in lieu thereof.

On motion of Mr. Carnan

The vote taken on the adoption of the amendment proposed by Mr. Dobson, was reconsidered, and

On motion of Mr. Baird

Said amendment was laid on the table.

On motion of Mr. Dobson

The rules were suspended, the bill read a third time and passed.

The following message was received from the House of Representatives by Mr. Defrees a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the Senate entitled,

No. 197—A bill to provide for increasing the stock of the private stockholders in the South Bend branch of the State Bank,

With one amendment, in which they respectfully ask the concurrence of the Senate.

On motion of Mr. Baird

The amendments of the House to the bill of the Senate No. 197, in said message, were agreed to.

By unanimous consent of the Senate

Mr. Gregory introduced

Bill No. 242—Fixing the times of holding circuit courts in the first judicial circuit;

Which was read three several times (the rules being dispensed with for that purpose) and passed;

On motion of Mr. Davis

The orders of business were dispensed with for the purpose of taking up,

Bill of the House, No. 403, repealing the 33d section of an act therein named;

The rules were suspended, and the bill read a third time and passed.

On motion of Mr. Mount

The orders of business were suspended and leave granted him to make the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill of the House No. 371, to compel speculators to pay a road tax equal to that paid by actual settlers, have according to order had the same under consideration and directed me to report the same back with one amendment, and recommend its passage.

Mr. Mount moved to amend the amendment by inserting after the word "Fountain" the words "Miami and Wabash;"

Mr. Wright moved to lay the amendment to the amendment on the table;

Which motion did not prevail.

The question then recurring on the amendment of Mr. Mount to the amendment,

It was decided in the affirmative.

On motion of Mr. Sands

Said amendment was further amended by inserting the counties of "Fulton and Marshall;"

The question being on the adoption of the amendment as amended

It was decided in the affirmative.

On motion of Mr. Herriman,

The rules were suspended, the amendments considered as engrossed, the bill as amended read a third time and passed.

The following message was received from the House of Representatives by Mr. Sayler a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the House:

No. 417—An act to vacate a part of the town of Flemingsburgh in Randolph county;

In which the concurrence of the Senate is most respectfully requested;

The bill was read three several times, the rules being dispensed with, and passed.

The following message was received from the House of Representatives by Mr. Defrees a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Se-

nate that they have passed an engrossed bill thereof numbered 404 entitled an act vacating the town plat of Ocoola in St. Joseph county ; in which the concurrence of the Senate is respectfully requested.

Bill No. 404, in said message, read a first time ; when

On motion of Mr. Baird,

The rules were suspended, the bill read a second and third times and passed.

The following message was received from the House of Representatives, by Mr. Leslie, a member :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House,

No. 295, entitled a bill to repeal a part of an act entitled an act for the location of a state road in the counties of Harrison and Crawford and respectfully request the concurrence of the Senate.

Bill No. 295 in said message, read a first time ; when

On motion of Mr. Collins,

The rules were suspended, the bill read a second time and referred to a select committee.

Ordered, that Messrs. Collins, Sands, and Kinzer, compose said committee.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st and 2d, 5th, 6th, 7th, 9th, 10th, 13th, 14th and 15th amendments, and in the 4th and 12th amendments with amendments, and has refused to concur in the 3d, 8th and 11th amendments of the Senate to bill of the House,

No. 376, an act making specific appropriations for the year 1842.

The Speaker of the House has signed the following enrolled bill of the House :

No. 223, an act to provide for the continuation of the construction of all or any part of the public works of this State by private companies and for abolishing the board of internal improvement and offices of fund commissioner and chief engineer.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion of Mr. Walpole,

The Senate insisted on their 3d amendment to the bill of the House in said message.

Mr. Dobson moved that the Senate recede from their 8th amendment to the bill of the House in said message.

The ayes and noes were demanded by Messrs. Moffatt and Carr of L. :

Those who voted in the affirmative were

Messrs. Aker, Berry, Bradley, Davis, Dobson, Everts, Foster, Gregory, Herriman, Miller, Parks, Read, Roberts and Watts.—15.

Those who voted in the negative were,

Messrs. Angle, Baird, Bright, Carr of J., Carr of L., Carnan, Cornett, Eggleston, Harris, Hatfield, Herriott, Hoover of T., Hoover of W., Kinzer, Moffatt, Morgan, Nave, Nickel, Parker, Reeve, Sheets, Sinclear, Stevenson, Walpole and West.—25.

So the motion to recede did not prevail.

On motion of Mr. Carnan,

The Senate insisted on the 8th amendment to said bill.

On motion of Mr. Stevenson,

The Senate receded from their 11th amendment to the bill as aforesaid.

Mr. Baird moved that the Senate disagree to the amendment of the House to the 4th amendment of the Senate to bill of the House No. 376, in said message ;

Which motion did not prevail.

On motion of Mr. Berry,

The Senate concurred in the amendment of the House to the 12th amendment of the Senate to the aforesaid bill.

On motion of Mr. Davis,

The Senate insisted on their third amendment to said bill with an amendment to said amendment.

Mr. Carnan moved that the orders of business be suspended and leave granted him to make a report from a select committee ;

Which motion did not prevail.

Mr. Reeve moved that the orders of business be suspended and leave granted him to introduce a resolution ;

Which did not prevail.

On motion of Mr. Davis,

The orders of business were suspended and leave granted him to introduce the following resolution :

Resolved, By the Senate unanimously, that the Hon. Samuel Hall, President thereof, is entitled to our thanks for the impartiality, dignity, and ability which has characterized his Presidency, during the present session of the General Assembly ;

Which was adopted.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment the following engrossed bills of the Senate, to wit :

No. 158, an act amendatory of the several acts in relation to crime and punishment ;

No. 175, an act for the relief of certain persons therein named ;

No. 190, an act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison ;

No. 214, an act to amend an act entitled an act to organize the militia of Indiana, approved February 10, 1836 ;

No. 223, an act to keep in repair the Cumberland and Michigan roads ;

No. 229, an act for the relief of Paris C. Dunning, assignee of Michael Keith ;

No. 235, an act supplemental to act entitled an act to relocate part of a state road therein named and for other purposes ;

No. 236, an act in relation to district schools in Orange county ;

No. 240, an act to authorize the board of county commissioners of Hendricks county to rescind an order by them heretofore made.

The House has concurred in the following amendments of the Senate to bills of the House, to wit :

No. 87, an act supplemental to an act to authorize certain persons therein named to erect a dam across the east fork of White river in Lawrence county, approved February 4, 1837 ;

No. 182, an act to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841 ;

No. 273, an act to vacate a part of Grimes' addition to the town of Delphi, Carroll county ;

No. 324, an act for the relief of Abraham Perkins, collector of the State and county revenue for the county of Daviess in the year 1840 ;

No. 333, an act to change the mode of doing county business in the county of Washington ;

No. 334, an act declaring a county road a state road, in the counties of Owen, Clay, Putnam and Clark.

The House has passed the following engrossed bills and joint resolutions thereof, to wit :

No. 365, an act amendatory to the several acts regulating foreign and domestic attachments ;

No. 378, a joint resolution defining certain duties of the Auditor and Treasurer of State, and providing for the manner of disbursing Wabash canal land scrip ;

No. 379, an act for the relief of W. W. Read ;

No. 401, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties therein named ;

No. 419, an act to amend an act relative to practice in circuit courts, approved February 18, 1839 ;

No. 422, an act to correct a misprint, and to extend the time for the completion of the public printing ;

No. 423, an act to amend an act in relation to county auditors ;

No. 425, an act to repeal the 13th section of an act therein named so far as relates to the counties of Lake and Porter.

No. 428, an act for the relief of the purchasers of the 16th sections of Congressional townships, and for the better securing the payment thereof ;

In which the concurrence of the Senate is respectfully requested.

The House has concurred in the report of the 2d committee of free conference appointed to take into consideration the disagreement of the two Houses in relation to bill of the House,

No. 44, an act for the relief of the borrowers of the surplus revenue and other funds.

The House has also concurred in the report of the committee of free conference appointed to take into consideration the disagreement of the two Houses in relation to engrossed bill of the House,

No. 177, an act to repeal an act converting the sinking, saline, college, surplus revenue and State Bank school funds, into bank stock.

The House has passed the following engrossed bill of the Senate with amendments :

No. 131, an act amendatory of the acts now in force on the subject of Notaries Public.

Bills Nos. 365, 379 and 425, in said message ;

Read a first time and passed to a second reading on to-morrow.

Joint resolution No. 378, in said message ;

Read a first time and passed to a second reading on to-morrow.

Bills Nos. 401, 422 and 423, in said message ;

Were read three several times (the rules having been dispensed with) and passed.

Bill No. 419, in said message ;

Read a first time, when,

On motion of Mr. Nave,

The rules were suspended and the bill read a second time now.

On motion of Mr. Wright,

Said bill was laid on the table.

Bill No. 428, in said message ;

Read a first and second times, (the rules being dispensed with) when Mr. Elliott moved to amend said bill by inserting "surplus revenue and all other funds;" which motion did not prevail.

On motion of Mr. Berry,

Said bill was laid on the table.

Bill No. 131, of the House,

Read a first time, and,

On motion of Mr. Bright,

Was laid on the table.

On motion of Mr. Dobson,

The orders of business were suspended and leave granted him to introduce the following resolution :

Resolved, That the Hon. John Ewing be invited to a seat within the bar of the Senate during his stay in Indianapolis.

Which was adopted.

On motion of Mr. Sheets,

The orders of business were further suspended and leave granted him to introduce the following resolution:

Resolved, That the Hon. Isaac Naylor be invited to a seat within the bar of the Senate during his stay in Indianapolis.

Which motion was adopted.

On motion of Mr. Carnan,

The orders of business were suspended and leave granted him to make the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House No. 393, relative to Knox county, have had the same under consideration, and have directed me to report it back without amendment and request its passage.

The rules were suspended, the bill read a third time and passed.

On motion of Mr. Carr of Lawrence,

The orders of business were further suspended and leave granted him to make the following report:

MR. PRESIDENT:

The committee on roads, to which was referred bill of the House of Representatives No. 352, entitled a bill appointing commissioners to locate and relocate state roads therein named, have, according to order, had the same under consideration, and have directed me to report the same to the Senate with one amendment, as follows—add the following as an additional section—and with said amendment recommend its passage.

The report was concurred in, and the bill,

On motion of Mr. Stevenson,
Amended as follows.

The rules were suspended, the bill read a third time and passed.

Mr. Harris presented the petition of N. T. Catterlin and others, praying that the office of auditor in Clinton county might be abolished, and for certain relief laws therein named;

Which, on his motion, was laid on the table.

Mr. Harris presented the remonstrance of Robert Watt and others, against the vacation of the office of auditor in Clinton county;

Which was, on his motion, laid on the table.

Mr. West, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference, on behalf of the Senate, to whom was committed the difference between the two Houses in relation to bill of the House No. 11, authorising the issue of five dollar treasury notes for the redemption of fifty dollar treasury notes, have had the

same under consideration, and instructed me to report that the House recedes from all disagreements to the amendments of the Senate.

Mr. Pitcher, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find them correctly enrolled, to-wit:

No. 169, an act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company.

No. 192, an act to vacate a certain state road in the county of St. Joseph;

No. 193, an act for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes;

No. 182, an act to legalise the election of trustees in the town of Vevay, Indiana;

No. 202, an act to authorise the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named;

No. 153, an act authorising the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal;

No. 234, an act to provide for the survey of the town of Perrysville in Vermillion county.

No. 187, an act declaring a certain word a misprint and for other purposes, relative to the county of Orange;

Mr. Pitcher, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives and find them correctly enrolled, to-wit:

No. 312, an act to direct the fencing of the grave yard on the poor farm in Marion county;

No. 345, an act to authorize the children of Joseph Richardville to inherit the property of their ancestors;

No. 289, an act for the relief of John Brown;

No. 337, an act to authorize John Bates and Jared A. Ball & Company to build a mill dam across the Little St. Joseph river in DeKalb county;

No. 230, an act to authorise the board of county commissioners of Kosciusko county to rescind a certain order by them made;

No. 322, an act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes;

No. 346, an act to prevent the use or adoption of the county sem-

inary in Franklin county as a district school house and for other purposes ;

No. 313, an act regulating the jurisdiction of the justices of the peace in Spencer county ;

No. 263, an act for the relief of John Tate ;

No. 244, an act to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county ;

No. 254, an act to declare a certain road in Wabash county a state road ;

No. 268, an act to provide for the assessor of the county of Harrison to qualify ;

No. 380, an act to authorise the boards doing county business in the counties of Warrick and Spencer to appoint viewers to view a road from Boonville to Mackville ;

No. 385, an act for the location of a state road therein named and for other purposes ;

No. 386, an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and to secure the observance of the 103d section of said act ;

No. 315, an act to extend the provisions of an act for the preservation of sheep, approved January 25, 1841, to the county of Delaware ;

No. 325, an act concerning the Union county seminary ;

No. 227, an act to regulate the summoning petit jurors in Dearborn county ;

No. 369, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein ;

No. 195, an act fixing the times of holding courts in the fourth judicial circuit and for other purposes ;

No. 304, an act relative to a dam and lock in Elkhart river in the county of Elkhart ;

No. 370 a joint resolution on the subject of improving the navigation of the western rivers ;

No. 340, an act for the relief of the late collector of Fayette county ;

No. 324, an act to give corporate powers to the county of Brown ;

No. 93, an act to fix the time of holding the Marion circuit court ;

No. 277, an act to provide for the preservation of the southern end of the southern division of the Central canal ;

No. 307, an act for the relief of purchasers of lands at school commissioners' sales in St. Joseph county ;

No. 367, an act to regulate the jurisdiction of justices of the peace in Lawrence county, and amendatory of the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838 ;

No. 175, an act to change the mode of selecting jurors in Lawrence county, and for other purposes.

Mr. Harris, from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the House of Representatives, to wit :

No. 223, an act to provide for the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer ;

And have found the same correctly enrolled.

The following message was received from the House of Representatives by a member :

MR. PRESIDENT :

The Speaker having signed the following enrolled bills, I am instructed to bring them to the Senate for the signature of the President thereof :

No. 192, an act to vacate a certain state road in the county of St. Joseph ;

No. 234, an act to provide for the survey of the town of Perrysville in Vermillion county ;

No. 153, an act authorising the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal ;

No. 146, an act relative to exchange brokers ;

No. 202, an act to authorise the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named ;

No. 182, an act to legalise the election of trustees of the town of Vevay, Indiana ;

No. 193, an act for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes ;

No. 187, an act declaring a certain word a misprint and for other purposes, relative to the county of Orange ;

No. 169, an act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company.

The following message was received from the House of Representatives by a member :

MR. PRESIDENT :

The Speaker of the House of Representatives having signed the following bills, I am directed to bring them to the Senate and request the signature of their President.

No. 266—An act to provide for selecting petit jurors in Laporte county.

No. 186—An act to legalize the acts of the President and trustees of the town of Greencastle ;

No. 143—An act to amend an act entitled an act to incorporate

the Vevay and Napoleon and other turnpike companies," approved February 8th, 1836;

No. 219—An act to amend an act entitled an act to provide for the improvement of [the] Michigan road, approved Feb. 13, 1841;

No. 127—An act a part of the town of Crawfordsville;

No. 173—A joint resolution on the subject of bank directors;

No. 137—An act incorporating the Vincennes Historical and Antiquarian Society;

No. 149—An act to amend an act relating to public roads and highways, approved February 17, 1838;

No. 176—An act amendatory of an act entitled an act to provide for the settlement of accounts of commissioners of the three per cent. fund in the several counties, approved February 4, 1837;

No. 45—An act to provide for the collection of the State and county revenue of Vanderburgh and Perry counties for the year A. D. 1841;

No. 302—An act to vacate Duret street in the Godfroy addition to the town of Peru;

No. 257—An act to confine the voters of Hamilton, Steuben, De Kalb, Union, Franklin, St. Joseph and Cass [counties] to their respective townships, and for other purposes;

No. 220—An act regulating the jurisdiction of justices of the peace in the county of Jay;

No. 154—An act to incorporate the trustees of the New Albany Theological Seminary;

No. 111—An act for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties.

On motion of Mr. Dobson,

The orders of business were suspended, and bill

No. 428 of the House, for the relief of the purchasers of the 16th sections of congressional townships and for the better securing the payment thereof,

Was taken from the table, and the rules suspended, the bill read a third time and passed.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

The House has adopted the following resolution:

Resolved, That this House will (the Senate concurring therein) proceed at 2 o'clock P. M. of this day to the election of a commissioner on the Wabash and Erie Canal west of Tippecanoe river, and to the election of the several officers and agents on the several public works in the State, as provided in the law disposing of the public works to companies;

And have appointed Messrs. Hackleman and Simonson tellers on the part of the House.

On motion of Mr. Berry,

The Senate reciprocated the aforesaid resolution, and appointed Messrs. Carnan and Morgan as tellers on the part of the Senate.

Ordered that the House be informed thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. Wright made the following report:

MR. PRESIDENT:

The standing committee on the judiciary to whom was referred bill No. 262 of the House, for the relief of Solomon Russell, late collector of Lake county, and his securities, have had the same under consideration, and directed me to report the same and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Collins made the following report:

MR. PRESIDENT:

The committee upon the judiciary to which was referred bill of the House of Representatives No. 281, entitled an act amending an act entitled an act directing the mode of suing out and prosecuting writs of *habeas corpus*, have had the same under consideration and have directed me to report the same back to the Senate, and to recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on canals and internal improvements to whom was referred bill of the House No. 338, an act to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes, have had that subject under consideration and have directed me to report the same back to the Senate with the following amendments, to-wit:

Strike out the proviso in the third section, and add the following proviso to the first section:

"*Provided*, That the cost of the work contemplated in this section shall not exceed the sum of five hundred dollars;"

And when thus amended, your committee recommend the passage thereof, and ask to be discharged from the further consideration of the same.

The report was concurred in, the rules suspended, the bill read a third time and passed.

Mr. Reeve made the following report:

MR. PRESIDENT:

The standing committee on canals and internal improvements to whom was referred bill No. 255, relative to leasing out the water power at Wabash dam No. 4, in Carroll county, have had the same under consideration, and have instructed me to report the bill back and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.
Mr. Gregory made the following report:

MR. PRESIDENT:

The standing committee on canals and internal improvements to whom was referred bill of the House No. 231, an act to authorize the building of the towing-path bridge across the Wabash river at Carrollton, Carroll county, and for other purposes, have had that subject under consideration and have directed me to report the same back to the Senate and ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Harris moved that the rules be suspended and the bill read a third time now.

Which motion did not prevail.

The question recurring on ordering the bill to a third reading, It was decided in the affirmative.

On motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled.

On motion of Mr. Davis,

The rules were suspended and leave granted him to introduce bill No. 245—Relative to the coroner of Martin county;
Read three several times, the rules being dispensed with, and passed.

ORDERS OF THE DAY.

Bills on their third reading—

Bill No. 344 of the House, to create the fourteenth branch bank district;

Bill No. 366 of the House, to provide for the distribution of the road laws;

Bill No. 196, to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

Bill No. 372 of the House, to authorize the collection of State revenue in those counties which have failed to assess and collect the same for the year 1841;

All of which bills were read a third time and passed.

BILLS ON THEIR SECOND READING.

Bill No. 281 of the House, to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis Railroad Company to settle up and close their affairs, app. Feb. 18, 1840, approved Feb. 4, 1841;

Bill No. 292 of the House, for the relief of the widow and heirs of John Reasoner, deceased;

Bill No. 285 of the House, to legalize a marriage therein specified;

All of the aforesaid bills were separately read a second and third times, the rules being dispensed with for that purpose, and passed.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be invited to attend instant in the Hall of the House of Representatives for the purpose of going into the election of a commissioner on the Wabash and Erie canal west of Tippecanoe river, and the several officers and agents on the several public works in the State as provided in the law disposing of the public works to companies; and that seats be provided for them on the right of the Speakers chair.

The Senate then proceeded to the Hall of the House of Representatives, for the purpose of electing an Agent of State, a Commissioner on the Wabash and Erie canal west of Lafayette, and the several agents provided for in the act disposing of the works to private companies.

The convention then proceeded to elect, by ballot, a commissioner on the Wabash and Erie canal, west of Lafayette; and on counting the vote on the first ballot, it appeared that

William J. Ball received	-	-	-	-	-	90 votes.
Arthur Patterson	-	-	-	-	-	39 "
Lazarus B. Wilson	-	-	-	-	-	14 "
Scattering	-	-	-	-	-	1 "

Whole No. 144

Necessary to a choice 73

Mr. Ball having received a majority of all the votes, was, by the

President of the Senate, declared duly elected to said office, to serve as such for and during the term of two years.

The convention in like manner, then proceeded to the election of a commissioner on the Wabash and Erie canal east of Lafayette, when, on the first ballot

Stearnes Fisher received	69 votes.
Chauncey Carter	55 "
James Bradley	19 "
Scattering	1 "

Whole No. 144

Necessary to a choice 73

No candidate having received a majority of all the votes, the convention proceeded to a second ballot; which resulted as follows, viz:

S. Fisher received	80 votes.
C. Carter	58 "
J. Bradley	4 "
Scattering	4 "

Whole No. 146

Necessary to a choice 74

Mr Fisher having received a majority of all the votes, was declared duly elected for the term of three years.

The convention next proceeded to the election of an agent of State, which, on the first ballot, resulted as follows, viz:

Michael G. Bright received	81 votes.
John Law	60 "
Scattering	4 "

Whole No. 145

Necessary to a choice 73

Mr. Bright having received a majority of the whole number of votes, was declared duly elected agent of State for the term of two years.

The convention in like manner proceeded to the election of an agent on the Madison and Indianapolis railroad; when, on counting the first ballot, it appeared that

Homer Johnson had received	83 votes.
William J. McClure	41 "
G. W. Branham	18 "
Scattering	3 "

Whole No. 145

Necessary to a choice 73

Mr. Johnson, having received a majority of all the votes given, was declared duly elected as said agent, to serve as such for the term of two years.

The convention next, in like manner, proceeded to the election of

an agent on the White water canal; and on counting the votes on the 1st ballot, it appeared that

Philip Mason had received	53 votes
Joel Palmer	56 "
J. W. Fisher	16 "
Thomas Tyner	15 "

Whole number of votes 140

Necessary to a choice 70

No person having received a majority of the votes given, the convention proceeded to a second balloting; which resulted as follows:

P. Mason received	71 votes
J. Palmer	65 "
Scattering	4 "

Whole number 140

Necessary to a choice 72

Philip Mason having received a majority of the votes given was declared duly elected.

The convention then proceeded to the election of an agent on the New Albany and Vincennes McAdamized road; when, on counting the votes on the 1st ballot, it appeared that

Henry Turner had received	63 votes
John Frazier	46 "
John Wise	32 "
Scattering	1 "

Whole number of votes 142

Necessary to a choice 71

No person having received a majority of all the votes, the convention proceeded to a 2d balloting; which resulted thus:

Henry Turner received	74 votes
John Frazier	64 "

Whole number 138

Necessary to a choice 71

Henry Turner having received a majority of all the votes, was declared duly elected agent on said line, for the term of two years.

The convention having completed the business for which it was convened, was, by the President, declared dissolved, and the Senate returned to its chamber.

And then, on motion,

The Senate adjourned.

SATURDAY, JAN. 29th, 1842.

The Senate assembled.

On motion of Mr. Stevenson,

The reading of yesterday's journal was dispensed with.

Mr. Watts moved that the Senate recede from its third amendment to No. 376, of the House, an act making specific appropriations for the year 1842, pending on yesterday.

The question being on receding ;

The ayes and noes were demanded by Messrs. Moffatt and Harris :

Those who voted in the affirmative were,

Messrs. Burke, Collins, Gregory, Nave, Parker, Pitcher, Sheets, Watts and Wright.—9.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Bright, Carr of J., Carr of L., Carnan, Dobson, Eggleston, Everts, Harris, Hatfield, Herriman, Herriott, Hoover of T., Hoover of W., Kinzer, Moffatt, Morgan, Mount, Nickel, Parks, Read, Reeve, Roberts Sands, Shanks, Sinclear, Stevenson, Tannehill, Walpole and West.—33.

So the motion to recede did not prevail.

On motion of Mr. Moffatt,

The Senate refused to concur in the amendments of the House to the 4th and 12th amendments of the Senate to the aforesaid bill and insisted on the 8th and 11th amendments.

On motion of Mr. Walpole,

A committee of free conference was appointed on the part of the Senate to act in conjunction with a similar committee on the part of the House to take into consideration the subject matter of disagreement between the two Houses.

Ordered, that Messrs. Walpole and Morgan, compose said committee.

Mr. Nave made the following report :

MR. PRESIDENT :

The committee of free conference appointed to take into consideration the matter of difference between the two Houses in reference to bill No. 31, of the Senate, being a bill applying certain funds to purposes of education, have agreed to adopt the bill of the Senate, adding the following proviso to the last section :

Provided however, That any time hereafter, it shall be the duty of any school commissioner, upon reasonable demand made, to pay

over to any person, for whom the same may have been collected, any fees that may have been deposited with such school commissioner, the person demanding such fees having first satisfied such commissioner that he is entitled to receive the same.

The report was concurred in, the amendment considered as engrossed, the rules suspended, and the bill as amended read a third time and passed.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

The House has passed the following engrossed bills and joint resolution, each without amendment, of the Senate :

No. 199, an act for the location of a certain state road therein named ;

No. 232, an act to provide for opening and repairing roads and highways in the counties of Gibson and Pike ;

No. 237, a joint resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives .

Also the following bills of the Senate each with amendments, to wit :

No. 201, an act to amend an act entitled an act for the relief of John Rodolph Fischli, approved February 18, 1839 ;

No. 242, an act fixing the times of holding courts in the 1st judicial circuit ;

In which amendments the concurrence of the Senate is respectfully requested.

The House has passed the following engrossed bills thereof, to wit :

No. 418, an act for the relief of Daniel Sutton Sr. ;

No. 430, an act to incorporate the Michigan city band ;

Also the following joint resolution of the House :

No. 353, a joint resolution authorizing the person having charge of the Vincennes and New Albany McAdamized road and the Wabash and Erie canal to settle with R. & H. Stewart and Wm. A. Jackson ;

In which the concurrence of the Senate is respectfully requested.

The House refused to recede from its amendments to the amendments of the Senate to bill of the House,

No. 376, an act making specific appropriations for the year 1842 ;

And have appointed Messrs. Henley and Brown of Marion, a committee of free conference on the part of the House to act with a similar committee on the part of the Senate ; which they request may be appointed to take into consideration the disagreement of the two Houses in relation to the subject matter of said amendments.

The House has added to the amendment of the Senate to bill of the House making specific appropriations for the year 1842, the following as additional section :

SECTION That Samuel Lewis be allowed the sum of four hun-
76 S

dred dollars, it being the amount paid him as commissioner on the Wabash and Erie canal for clerk hire out of the internal improvement fund.

On motion of Mr. Gregory,

The amendment of the House to bill of the Senate No. 242, in said message was concurred in.

On motion of Mr. Wright,

The amendment of the House to bill No. 201, of the Senate in said message was concurred in.

Mr. Nave moved to reconsider the vote taken on concurring in the amendment of the House to bill of the Senate No. 242 ;

Which motion did not prevail.

Bills No. 418 and 430 in said message were read three several times (the rules being dispensed with) and passed.

Bill No. 353, in said message,

Read a first time and passed to a second reading on Monday next.

On motion of Mr. Harris,

The additional section made by the House to the bill making specific appropriations for the year 1842, in said message, was laid on the table.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that they have passed bill of the Senate No. 241, a bill to authorize the opening of a certain alley in the town of Indianapolis, with one amendment; in which I am directed to ask the concurrence of the Senate.

On motion of Mr. West,

The amendment of the House to the bill of the Senate No. 241, in said message, was concurred in.

On motion of Mr. Everts,

The vote on the indefinite postponement of bill No. 262, of the House, was reconsidered and passed.

The following message was received from the House of Representatives by Mr. Robinson of Carroll, a member :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has refused to concur in the amendment of the Senate to bill No. 338, entitled a bill authorising the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes.

Mr. Harris moved that the Senate recede from its amendment to said bill, No. 338, in said message.

The question being on receding,

The ayes and noes were demanded by Messrs. Moffatt and Burke.

Those who voted in the affirmative were,

Messrs. Angle, Baird, Bright, Carr of Lawrence, Carnan, Dobson, Everts, Gregory, Harris, Hatfield, Herriman, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Miller, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Shanks, Sheets, Sinclear, Stevenson, Tannehill, Watts, West and Wright—31.

Those who voted in the negative were,

Messrs. Aker, Berry, Blair, Burke, Chamberlain, Cornett, Moffatt, Reeve, Sands and Walpole—10.

So the motion to recede prevailed.

On motion of Mr. Blair,

Bill No. 114, of the House, for the relief of settlers on the Wabash and Erie canal lands, was taken from the table, and amended by striking out the figures "1841" and inserting "1843" in lieu thereof.

The question being on the passage of the bill,

It was decided in the affirmative.

ORDERS OF THE DAY.

Bills on their second reading :

Bill No. 374, levying a tax for state purposes and for the gradual redemption of treasury notes ;

Read a second time.

Mr. Herriman moved to amend by striking out the poll tax.

The ayes and noes were demanded by Messrs. Herriman and Sinclear.

Those who voted in the affirmative were,

Messrs. Chamberlain, Harris, Hatfield, Herriman, Sinclear and Walpole—6.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Collins, Cornett, Dobson, Everts, Gregory, Herriott, Hoover of Tippecanoe, Hoover of Wayne, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Parks, Pitcher, Read, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts, West and Wright—36.

So the motion did not prevail.

Mr. Read moved to amend as follows :

That the Treasurer of State be authorised to appropriate any available funds in the Treasury for the purpose of liquidating treasury notes or other liabilities of the State.

Mr. Wright moved to amend the amendment as follows:

That Indiana will, though now embarrassed, rise in her energy and pay every dollar of our bonds, fairly and honestly obtained; and that the Treasurer of State, in case any bonds are thus redeemed, shall give a certificate of the design and pledged purpose of the State.

On motion of Mr. Carnan,

Said amendment to the amendment was laid on the table.

The question recurring on the amendment of Mr. Read to the aforesaid bill,

The ayes and noes were demanded by Messrs. Mount and West.

Those who voted in the affirmative were,

Messrs. Berry, Bright, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Dobson, Eggleston, Everts, Harris, Hatfield, Herriman, Miller, Morgan, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Sinclear, Stevenson, Tannehill and West—30.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird, Blair, Burke, Cornett, Gregory, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Moffatt, Mount, Watts and Wright—14.

Which motion prevailed.

Mr. Herriman moved to strike out twenty cents and insert fifteen cents in lieu thereof;

Which motion did not prevail.

Mr. Watts moved to amend as follows:

Provided, further, That it shall be the duty of the Treasurer of State to ascertain the full amount of the state debt, and ascertain the lien of said debt on each one hundred dollars of valuation of all the land appraised during the year 1841, and it shall then be lawful for any person owning any such land to forever extinguish the right of the State to tax such land on account of said debt by paying the rateable portion of said debt, agreeably to such appraisement, in money or state bonds; and it shall in like manner be lawful for any county in this State to liquidate the rateable portion of such county in said debt.

Which motion did not prevail.

On motion of Mr. Stevenson,

The rules were suspended and the bill read a third time now.

The question being on the passage of the bill as amended,

The ayes and noes were ordered by Messrs. Moffatt and ———.

Those who voted in the affirmative were,

Messrs. Baird, Bright, Burke, Carr of Jackson, Carr of Lawrence, Carnan, Chamberlain, Collins, Dobson, Eggleston, Everts, Gregory, Harris, Hatfield, Hoover of Tippecanoe, Hoover of Wayne, Kinzer, Nave, Nickel, Parker, Parks, Pitcher, Read, Reeve, Roberts, Sands, Shanks, Sheets, Stevenson, Tannehill, Watts and West—32.

Those who voted in the negative were,

Messrs. Aker, Angle, Berry, Blair, Cornett, Herriman, Moffatt, Morgan, Mount, Sinclear and Wright—10.

So the bill was passed.

Joint resolution No. 432, of the House, for the relief of Hugh O'Neal;

Read a second time, when

Mr. Gregory moved to suspend the rules and read the resolution a third time now:

Which motion did not prevail.

The joint resolution was then ordered to a third reading on Monday next.

Mr. Wright, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference to whom was referred the disagreement of the House to the amendment of the Senate of a bill to define the southern boundary line of Miami county and to organise Tipton county, have had the same under consideration, and not being able to agree, ask to be discharged from the further consideration thereof.]

The report was concurred in and the committee discharged.

Mr. Walpole, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference to which was referred the consideration of the disagreement of the two Houses on bill

No. 376, an act making specific appropriations for the year 1842,

Have had said bill and the amendments under their consideration, and have agreed to report as follows, to-wit:

That the House concur in the 3d amendment of the Senate to said bill, with the exception of so much as strikes out the compensation to Robert B. Duncan, which the committee have agreed to allow.

That the Senate concur in the second branch of the amendment of the House to 12th amendment of the Senate.

The committee cannot come to any agreement on the 8th amendment of the Senate to said bill.

Mr. Berry moved that the Senate concur in the report of said committee ;

Which motion prevailed.

On motion of Mr. Bright,

The Senate receded from their eighth amendment, in said report.
Joint resolution No. 278, of the House, defining certain duties of the Auditor and Treasurer of State, and providing for the manner of disbursing Wabash canal land scrip ;

Read a second time, and,

On motion of Mr. Blair,

Was indefinitely postponed.

Bill No. 298, of the House, prescribing the mode of levying and collecting township taxes in the county of Dearborn ;

Bill No. 365, of the House, amendatory to the several acts regulating foreign and domestic attachments ;

Bill No. 425, of the House, to repeal the 13th section of an act therein named, so far as relates to the counties of Lake and Porter ;

Bill No. 396, of the House, amendatory of an act entitled an act authorising the appointment of constables and defining their duties, approved February 17, 1838 ;

Bill No. 387, of the House, to legalise the acts of the probate courts and the county commissioners' courts of the county of Boone ;

Bill No. 283, of the House, to amend an act entitled an act to provide for the sale of certain lands therein named ;

Bill No. 384, of the House, to authorise Philip Mason to convey certain lots to Pinckney James and for other purposes ;

Bill No. 389, of the House, to incorporate the Garrick Literary Institute ;

Bill No. 381, of the House, for removing obstructions in the St. Joseph river in the counties of Elkhart and St. Joseph ;

Bill No. 364, of the House, to authorise the building of a bridge over Laselles creek ;

Bill No. 411, of the House, empowering Henry Nelson and Mary M. Nelson, his wife, to convey real estate ;

Joint resolution No. 240, of the Senate, relative to the Auditor of State.

All of which several bills and joint resolutions were read a second and third times (the rules having been dispensed with) and passed.

Bill No. 241, to amend an act establishing the office and defining the duties of notary public, approved January 26, 1824 ;

Read a second time and amended by Mr. West as follows :

Insert in the proper place,

"And that said notary shall not be officer or clerk of any Branch of [the] State Bank."

The rules were then suspended, the amendment considered as engrossed, the bill read a third time and passed.

Bill No. 379, of the House, for the relief of W. W. Read ;

Read a second time, and,

On motion of Mr. Nave,

Was laid on the table.

Bill No. 348, of the House, to regulate the duties of clerks of the circuit courts and county recorders ;

Read a second time, and,

On motion of Mr. Gregory,

Amended, by inserting after the word "deed," in third line of 2nd section, the following : "On the tender or payment of his fees in advance."

On motion,

The rules were suspended, the bill read a third time and passed.

Joint resolution No. 238, for the relief of J. H. & A. Hendricks ;

Read a second time, when

Mr. Mount moved to indefinitely postpone said bill.

The ayes and noes were demanded by Messrs. West and Bright.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird, Berry, Blair, Burke, Carr of Lawrence, Cornett, Eggleston, Everts, Foster, Gregory, Hatfield, Hoover of Wayne, Kinzer, Miller, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Reeve, Sands, Stevenson and Watts—26.

Those who voted in the negative were,

Messrs. Bright, Carr of Jackson, Carnan, Dobson, Harris, Parks, Roberts, Sheets, Tannehill, West and Wright—11.

So the motion to indefinitely postpone prevailed.

Bill No. 388 of the House, to limit the time of holding the circuit courts in Vigo county ;

Read a second time, and

On motion of Mr. Moffatt

Was amended by adding an additional section thereto.

The rules were suspended, the amendment considered as engrossed, and the bill as amended read a third time and passed.

Bill No. 239—To provide for the payment of contractors on the Madison and Indianapolis railroad ;

Read a second time.

Mr. Tannehill moved to lay said bill on the table ;

Which motion did not prevail.

On motion of Mr. Read

The vote on laying said bill on the table was reconsidered ;

The question then recurring on laying said bill on the table ;

It was decided in the affirmative.

On motion of Mr. Read

The aforesaid bill was taken from the table ;

Mr. Tannehill moved to refer said bill to a select committee ;

Mr. West moved to refer the aforesaid bill to the committee on canals and internal improvements ;

Which motion did not prevail.

The question then recurring on the motion of Mr. Tannehill to refer to a select committee;

It was decided in the affirmative.

Ordered, that Messrs. Tannehill, Chamberlain, and Carnan [compose said committee.]

On motion,

The Senate adjourned.

2 o'clock P. M.

The Senate assembled, and resumed the

ORDERS OF THE DAY.

Bills on their third reading—

Bill No. 261—To amend an act to incorporate the town of Newport in Wayne county, app. Feb. 7, 1838;

Bill No. 231—Authorizing the building of a towing-path bridge across the Wabash river at Carrollton, Carroll county, and for other purposes;

Bill No. 287—Further to amend an act entitled an act relating to public roads and highways, app. Feb. 17, 1838;

All of which bills were severally read a third time and passed.

By unanimous consent of the Senate

Mr. Carr of J. introduced

No. 246—A joint resolution to provide for additional treasury notes;

Read a first time, when

Mr. Carr of J. moved that the rules be suspended and the joint resolution read a second time now;

Which motion did not prevail.

The joint resolution was then ordered to a second reading on Monday next.

Mr. Baird made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred a bill of the Senate No. 210 entitled a bill for the relief of G. W. Branham & Co. contractors upon the Madison and Indianapolis railroad, have had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The committee also return herewith numerous common-place resolutions and one bill of no importance, and ask to be discharged from the further consideration thereof.

The report was concurred in.

The following message was received from the House of Representatives by Mr. Brown a member:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in the amendments of the Senate to bills of the House as follows:

No. 274, an act to incorporate the Peru bridge company;

No. 305, an act for the relief of the purchasers of lots in Indianapolis;

No. 344, an act to create the 15th branch district;

No. 352, an act appointing commissioners to locate and relocate state roads therein named;

No. 366, an act to provide for the distribution of the road laws;

No. 371, an act to compel speculators to pay a road tax equal to that paid by actual settlers in certain counties therein named;

The House has passed without amendment the following engrossed bills of the Senate:

No. 196, an act to amend an act granting to the citizens of Madison and Lawrenceburgh a city charter;

The House has passed with one amendment the following engrossed bill of the Senate:

No. 242, an act providing for the appointment of a State Attorney General for one year, and defining his duties;

In which the concurrence of the Senate is respectfully requested.

Mr. ——— moved that the Senate concur in the amendment of the House to bill of the Senate No. 242 in said message.

Mr. West moved to amend the amendment as follows:

Provided, If the agent find it necessary to employ additional counsel, he shall obtain the Hon. James Whitcomb for that purpose.

On motion of Mr. Wright,

The amendment to the amendment was laid on the table.

The question recurring on concurring in the amendment made by the House;

The ayes and noes were demanded by Messrs. Gregory and Walpole:

Those who voted in the affirmative were,

Messrs. Angle, Dobson, Harris, Hatfield, Herriman, Hoover of T., Kinzer, Miller, Parks, Read, Roberts, Sinclear, Tannehill, Walpole, West and Wright.—16.

Those who voted in the negative were,

Messrs. Baird, Blair, Burke, Carr of J., Carr of L., Carnan, Collins,

Cornett, Gregory, Hoover of W., Moffatt, Mount, Nave, Parker, Pitcher, Sands, Shanks, Sheets and Watts.—19.

So the motion to concur did not prevail.

Mr. Baird made the following report :

MR. PRESIDENT :

The select committee of investigation beg leave further to report that they have not had time to fully investigate the case of John C. Clendenin, Esq., who was acting commissioner on the Vincennes and New Albany road. That General Clendenin arrived here at a late period, and time has not permitted a full investigation of his case ; so far as we have gone, we see no reason to condemn him; but your committee cannot tell what a full investigation of the case might develop. The special law officer will examine the case on its merits.

J. C. EGGLESTON,
NATHN. WEST,
J. W. PARKER,
THOS. D. BAIRD.

Mr. Parker made the following report :

MR. PRESIDENT :

The select committee to whom was referred a resolution with certain proposed amendments thereto in reference to the printing and distribution of the report and journal of the investigating committee of the Senate, have had the same under consideration and have directed me to report the accompanying resolution and recommend its passage.

The majority of the committee are of the opinion that the privilege should be given to no officer or agent of the State whose conduct may have been noticed in said report to incorporate with it any defence of himself ; inasmuch as the entire testimony taken by said committee will be published, and will also appear in the documentary journal, and that the same reason for admitting the defence of one officer or agent would require in justice that the same privilege should be given to others.

Resolved, That two copies of the report and journal of the investigating committee of the Senate, including all the testimony taken by said committee; be printed for each member of the present General Assembly and for the President of the Senate, and that they, together with the residue of said reports be, by the Secretary of State, distributed with the laws of the present session: said residue of said reports to be for the use of the members of the Senate and the President thereof. *Provided however*, That said Secretary be instructed to transmit by mail to each member of the Senate and the President thereof, two copies of said report so soon as the same can be printed.

Mr Walpole, from the minority of said committee made the following report:

MR. PRESIDENT :

Thomas D. Walpole, one of the select committee to whom was referred the communication of Gen. Milton Stapp asking the Senate to "withhold the (publication of the) report of the Senate's committee of investigation until to-morrow that he may be enabled to lay before the Senate such explanations as he may deem necessary to the defence of his character against the aspersions thrown against it by said report, and if his (Stapp's) explanation is in respectful terms, that it be published with the report." The undersigned dissents to the report of the majority of said committee. He sees no reason why Gen. Stapp, if he has it in his power to refute any or all the conclusions which the investigating committee have arrived at, should not place that refutation upon the public journals of the country. He regrets exceedingly that he is constrained to dissent from the majority of the committee to whom was referred the communication of Gen. Stapp; they being members of the investigating committee; and his regret is the greater that they should place before the country a public document that they foresee is the subject of refutation. The undersigned does not in this dissent determine as to the fairness or the unfairness of said report, but leaves it to future time and developments to determine.

All of which is respectfully submitted.

THOMAS D. WALPOLE.

Friday, Jan. 28, 1842.

The question being on concurring in the report of the majority of the aforesaid committee it was decided in the affirmative.

On motion of Mr. Gregory,

The vote taken on concurring in the amendment of the House to Bill of the Senate No. 242, providing for the appointment of a State Attorney General for one year and defining his duties, was reconsidered.]

On motion of Mr. Read,

The following resolution was adopted :

Resolved, That the House of Representatives be respectfully requested to return to the Senate the message just sent informing them that the Senate had refused to concur in the amendment of the House to bill of the Senate relative to the election of any Attorney General.

In compliance with said resolution, the House returned the message therein named.

The question being on concurring in the amendment of the House to the aforesaid bill ;

On motion of Mr. Collins,

Said amendment was amended and

The amendment of the House as amended, was then concurred in.

Mr. Parker made the following report :

Mr. President:

The standing committee on finance to whom was referred sundry petitions and one bill on divers subjects, report them back to the Senate and recommend that the bill be indefinitely postponed, and that the committee be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged.
Mr. Collins made the following report:

Mr. President:

The select committee to which was referred bill of the House of Representatives, No. 295, entitled a bill to repeal a part of an act entitled an act for the location of a state road in the counties of Harrison and Crawford, have had the same under consideration and have instructed me to report the same back to the Senate, and inasmuch as there is a diversity of opinion among those in the neighborhood upon the expediency of the proposed measure, and as the county boards have jurisdiction of the case, to recommend the indefinite postponement of the bill.

The report was concurred in and the bill indefinitely postponed.

The President laid before the Senate a communication of Doct. Isaac Coe, former fund commissioner, explanatory of a portion of his official conduct; which was laid on the table.

Mr. Watts made the following report:

Mr. President:

The chairman of the committee on agriculture to which was referred bill of the Senate No. 233, on the subject of the inspection of salt, &c., have not had a meeting of said committee since said reference, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee accordingly discharged.

The question then being on ordering said bill to be engrossed for a third reading, it was decided in the negative.

Mr. Collins made the following report:

Mr. President:

The committee on the State Bank to which was referred bill of the House No. 299, entitled a bill taxing individual stock in the several branches of the State Bank of Indiana, have had the same under consideration and have instructed me to report the same back to the Senate with one amendment and recommend its passage.

The report was concurred in, the bill read a third time and passed.
Mr. Carr of J. made the following report:

Mr. President:

The select committee to which was referred bill of the Senate No. 195, a bill for procuring common school statistics with instructions to strike out so much of said bill as subjects the trustees to a fine by presentment or indictment in the circuit court, have according to order, had the same under consideration and have directed me to report the following amendment in accordance with said instructions, as follows:

Strike out so much of the 5th section as relates to the township trustees and add the following as an additional section:

SEC. That should any township trustees neglect or refuse to perform the duties enjoined on them by this act, they shall be subject to a fine of three dollars, to be recovered by an action of debt before any justice of the peace having jurisdiction of the case; and it is hereby made the duty of the several school commissioners to prosecute on behalf of the State for all violations of this act in their respective counties.

The report was concurred in, the rules suspended, the amendment considered as engrossed, and the bill as amended, read a third time and passed.

On motion of Mr. Blair,

Bill of the House No. 65, amendatory of an act entitled an act for the payment of contractors on the Wabash and Erie canal, &c., was taken from the table and, on his motion, the rules were suspended, the bill read a third time and passed.

Mr. Chamberlain made the following report:

Mr. President:

The committee on corporations, to whom was referred an act to amend an act to incorporate the Lawrenceburgh and Napoleon turnpike company, have [had] that subject under consideration, and for lack of time to examine its provisions and investigate its merits, report it back and recommend that it lie on the table.

The report was concurred in and the bill laid on the table.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House unanimously refuses to agree to the amendment of the Senate to amendment of the House to bill of the Senate

No. 242, an act providing for the appointment of a State Attorney General for one year and defining his duties.

Mr. West moved that the Senate insist on their amendment to the amendment of the House to bill of the Senate No. 242, in said message;

Which motion did not prevail.

On motion of Mr. West,

The Senate receded from their amendment to the amendment of the House to the aforesaid bill.

Mr. West moved to take from the table a bill regulating the fees of notaries public;

Which motion did not prevail.

The following message was received from the House of Representatives by Mr. Huckleberry, their [assistant] clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bills of the House as follows:

No. 114, an act extending the provisions of an act entitled an act for the relief of settlers on the Wabash and Erie canal;

No. 388, an act to limit the time of holding the circuit courts in Vigo county;

The House has refused to concur in the amendment of the Senate to bill of the House

No. 348, an act to regulate the duties of clerks of circuit courts and county recorders.

On motion of Mr. Angle,

The Senate receded from their amendment to bill No. 348, in said message.

On motion of Mr. Bright,

Bill No. 131, of the Senate, regulating the fees of notary public, was taken from the table, and,

On motion of Mr. Read,

The Senate refused to concur in the second amendment of the House to said bill.

On motion of Mr. Bright,

The Senate concurred in the first amendment of the House to the aforesaid bill.

On motion of Mr. Dobson,

The Senate adjourned to meet again in half an hour.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bills of the House

No. 261, an act to amend an act to incorporate the town of Newport, Wayne county;

No. 299, an act taxing individual stock in the several Branches of the State Bank of Indiana.

The House has receded from its second amendment to bill of the Senate

No. 131, an act amendatory of the acts now in force on the subject of notaries public.

On motion of Mr. Moffatt,

Resolved, That when the Senate adjourns, it will adjourn until Monday morning, 5 o'clock.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment the following engrossed bill of the Senate:

No. 191, an act to legalise the acts and proceedings of the board doing county business in the county of Tippecanoe, and for other purposes.

The following message was received from the House of Representatives by Mr. Brown, their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of free conference, appointed to take into consideration the disagreement between the two Houses, in relation to bill of the Senate

No. 31, an act applying certain funds to purposes of education.

The following message was received from the House of Representatives:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills, I am instructed to bring the same to the Senate for the signature of the President thereof:

No. 87, an act supplemental to an act to authorize certain persons therein named to erect a dam across the east fork of White river in Lawrence county, approved February 4, 1837;

No. 91, an act to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie canal east of Tippecanoe river, approved February 15, 1841;

No. 182, an act to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841;

No. 214, an act to amend an act locating a certain state road therein named;

No. 218, an act to amend an act entitled an act to incorporate the trustees of the Daviess county seminary;

No. 220, an act declaring a certain name a misprint and for other purposes;

No. 221, an act to amend an act entitled an act to establish seats of justice in new counties, approved January 24, 1824;

No. 225, an act to provide for the election of a justice of the peace in the town of St. Louis in Bartholomew county;

No. 236, a joint resolution designating the same day throughout the United States for the election of President and Vice President;

No. 239, an act for the relief of George Miller in Johnson county;

No. 240, an act authorising the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county;

No. 273, an act to vacate a part of Grimes' addition to the town of Delphi, Carroll county;

No. 275, an act to amend an act entitled an act to authorise the election of a justice of the peace and a constable in the town of Fredericksburgh, Washington county, approved February 18, 1840;

No. 280, an act relative to the board of commissioners of Knox county;

No. 288, an act to incorporate the New Albany patent bagging manufacturing company;

No. 290, an act to provide for the election of an additional justice of the peace in Silver Creek township, Clark county;

No. 314, an act changing the time of holding probate courts in Clay county;

No. 316, an act to amend an act entitled an act to provide for the mode of doing township business in Miami county, approved Dec. 24, 1840;

No. 320, an act to locate a state road in Clay county;

No. 326, an act for the relief of the late collectors of the state and county revenues of Orange county for the years 1839 and 1840;

No. 334, an act declaring a county road a state road, in the counties of Owen, Clay, Putnam and Clark;

No. 339, an act to authorise the board doing county business in the county of Tippecanoe to establish additional ferries therein;

No. 341, an act for the benefit of a private school in Marion county, Indiana, situated in section 31, township 15 north, range 4 east, known by the name of Wright's school house;

No. 351, an act for the relief of the school commissioner of Greene county;

No. 363, an act to exempt the lands of revolutionary soldiers from taxation;

No. 373, an act for the relief of the late collectors of state and county revenue;

No. 310, an act to provide for the summoning and empannelling grand and petit jurors in the counties of Allen, Hamilton, Vigo, Delaware, Grant, Marion, Clark, Switzerland, Spencer, Greene, Putnam, Morgan, Fulton, Jennings, Marshall and Orange;

No. 311, an act to incorporate the Hoosier company of Clark county;

No. 318, an act giving additional stay of execution where specie is demanded;

No. 347, an act to amend an act entitled an act supplementary to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved February 10, 1831; approved February 16, 1839;

No. 360, an act for the relief of Sarah Smith of Greene county.

Whereupon, the President of the Senate signed the same.

The following message was received from the House of Representatives:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following engrossed bills, I am directed to bring the same to the Senate for the signature of the President thereof:

No. 229, an act for the relief of Paris C. Dunning, assignee of Michael Keith;

No. 315, an act to extend the provisions of an act for the preservation of sheep, approved January 23, 1841, to the county of Delaware;

No. 325, an act concerning the Union county seminary;

No. 195, an act fixing the times of holding courts in the fourth judicial circuit and for other purposes;

No. 369, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein;

No. 227, an act to regulate the summoning of petit jurors in Dearborn county;

No. 307, an act for the relief of purchasers of lands at school commissioners' sales in St. Joseph county;

No. 367, an act to regulate the jurisdiction and duties of justices of the peace in Lawrence county, and amendatory of the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838;

No. 277, an act to provide for the preservation of the southern end of the southern division of the Central canal;

No. 93, an act to fix the time of holding the Marion circuit court;

No. 321, an act to give corporate powers to the county of Brown;

No. 340, an act for the relief of the late collector of Fayette county;

No. 370 a joint resolution on the subject of improving the navigation of the western rivers;

No. 304, an act relative to a dam and lock in Elkhart river in the county of Elkhart;

No. 386, an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and to secure the observance of the 103d section of said act;

No. 346, an act to prevent the use or adoption of the county sem-

inary in Franklin county as a district school house and for other purposes;

No. 313, an act regulating the jurisdiction of the justices of the peace in Spencer county;

No. 216, an act for the relief of John Tate;

No. 244, an act to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county;

No. 254, an act to declare a certain road in Wabash county a state road;

No. 368, an act to provide for the assessor of the county of Harrison to qualify;

No. 380, an act to authorize the boards doing county business in the counties of Warrick and Spencer to appoint viewers to view a road from Boonville to Mackville;

No. 385, an act for the location of a state road therein named and for other purposes;

No. 322, an act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes;

No. 337, an act to authorize John Bates and Jared A. Ball & Company to build a mill dam across the Little St. Joseph river in DeKalb county;

No. 230, an act to authorize the board of county commissioners of Kosciusko county to rescind a certain order by them made;

No. 345, an act to authorize the children of Joseph Richardville to inherit the property of their ancestors;

No. 289, an act for the relief of John Brown;

No. 312, an act to direct the fencing of the grave yard on the poor farm in Marion county;

No. 175, an act to change the mode of selecting jurors in Lawrence county, and for other purposes.

Whereupon the President signed the same.

The following message was received from the House of Representatives:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills, I am instructed to bring them to the Senate, for the signature of the President thereof:

No. 189, an act for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased;

No. 44, an act supplemental to the act entitled an act to provide for keeper of the State House and Library, approved February 2, 1841;

No. 89, an act to incorporate the Martinsville band of musicians;

No. 119, an act to amend an act allowing and regulating the writ of *ad quod damnum*, approved December 20, 1823;

No. 141, an act for the relief of Erastus D. Townsend;

No. 209, an act to amend an act entitled an act to establish certain state roads therein named and for other purposes, approved February 19, 1838;

No. 177, an act to amend an act entitled an act to incorporate the town of Wilmington in Dearborn county;

No. 224, an act to locate a state road from or near the farm of Charles Carter, in the county of Ripley, to the Ripley county line, in a direction towards Columbus, in Bartholomew county;

No. 226, an act to authorize Elizabeth Neal, a minor, to unite with her husband Thomas J. Neal, in the conveyance of real estate;

No. 204, an act to incorporate the Presbyterian Congregation of Lafayette, in Tippecanoe county;

No. 147, an act to amend an act entitled an act to incorporate the Indiana manufacturing company, approved February 17th, 1838;

No. 135, a joint resolution in relation to the early settlement of this State;

No. 164, an act to incorporate the Washington Citizens' Band in the county of Daviess;

No. 185, an act relocating a part of the old state road lying between the mouth of Bradbury's lane on Middle Fork, and where it strikes the said road between sections fifteen and sixteen in Lancaster township, Jefferson county;

No. 207, an act authorizing the commissioners of the county of Jefferson to sell and dispose of the poor farm in said county and for other purposes;

No. 124, an act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named;

No. 239, an act for the relief of the borrowers of the sinking fund, surplus revenue and other funds, and for the better securing the payment thereof;

No. 234, an act for the attachment of a part of Starke county to the county of Laporte;

Whereupon the President signed the same.

Mr. Pitcher from the committee on enrolled bills made the following report, to wit:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate and find them correctly enrolled:

No. 120, an act to amend the several acts in relation to the surplus revenue;

No. 158, an act amendatory of the several acts in relation to crime and punishment;

No. 175, an act for the relief of certain persons therein named;

No. 102, an act to amend an act for the relief of the poor, approved February 17, 1838;

No. 133, an act to legalize the sales of certain school sections therein named ;

No. 230, an act to change the name of Mary Smith to that of Mary Smith Chamberlain ;

No. 190, an act to incorporate the Evangelical Lutheran and Reformed of the city of Madison ;

No. 233, an act to keep in repair the Cumberland and Michigan road ;

No. 184, an act to vacate the town of New Hartford in the county of White ;

No. 197, an act to provide for increasing the stock of the present stockholders in the South Bend Branch of the State Bank ;

No. 335, an act supplemental to an act to relocate part of a state road therein named, approved February 3, 1841, and for other purposes ;

No. 240, an act to authorize the board of commissioners of Hendricks county to rescind an order by them heretofore made ;

No. 134, an act amendatory to an act to organize probate courts and defining the powers of executors, administrators and guardians, approved February 17, 1838.

No. 236, an act relative to district schools in Orange county ;

No. 2, a joint resolution on the subject of a resumption of specie payments and for other purposes ;

No. 180, an act in relation to the Marion county Library ;

No. 214, an act to amend an act entitled an act to organize the militia of Indiana, approved February 10, 1831 ;

No. 91, an act to provide for the appointment of a commissioner to make deeds and for other purposes ;

No. 60, an act to repeal so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock and other matters therein contained ;

No. 128, an act supplemental to an act entitled an act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved February 15, 1838 ;

No. 181, an act to incorporate the Franklin turnpike company.

Mr. Nave from the committee on enrolled bills made the following report :

MR. PRESIDENT :

The committee on enrolled bills, have compared the engrossed with the enrolled bills, and find them correctly enrolled :

No. 89, an act supplemental to an act to authorize certain persons therein named to erect a dam across the east fork of White river, in Lawrence county, approved February 4, 1837 ;

No. 91, an act to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie canal, east of the Tippecanoe river, approved February 15th, 1841 ;

No. 182, an act to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841 ;

No. 214, an act to amend an act locating a certain state road therein named ;

No. 218, an act to amend an act entitled an act to incorporate the trustees of the Daviess county seminary ;

No. 220, an act declaring a certain name a misprint and for other purposes ;

No. 221, an act to amend an act entitled an act to establish seats of justice in new counties, approved January 14, 1824 ;

No. 225, an act to provide for the election of a justice of the peace in the town of St. Louis, in Bartholomew county ;

No. 236, a joint resolution designating the same day throughout the United States, for the election of President and Vice President ;

No. 239, an act for the relief of George Miller, in Johnson county ;

No. 240, an act authorizing the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county ;

No. 273, an act to vacate part of Grimes' addition to the town of Delphi, in Carroll county ;

No. 275, an act to amend an act entitled an act to authorize the election of a justice of the peace and constable, in the town of Fredericksburgh, in Washington county, approved February 18, 1840 ;

No. 280, an act relative to the board of commissioners of Knox county ;

No. 288, an act to incorporate the New Albany patent bagging manufacturing company ;

No. 290, an act to provide for the election of an additional justice of the peace, in Silver creek township, Clark county ;

No. 314, an act changing the time of holding probate courts in Clay county ;

No. 316, an act to amend an act entitled an act to provide for the mode of doing township business in Miami county, approved December 24, 1840 ;

No. 320, an act to locate a state road in Clay county ;

No. 226, an act for the relief of the late collectors of State and county revenue for the county of Orange for the years 1839 and '40 ;

No. 334, an act declaring a county road a state road in the counties of Owen, Clay, Putnam and Clark ;

No. 339, an act to authorize the board doing county business in the county of Tippecanoe to establish additional ferries therein ;

No. 341, an act for the benefit of a private school in Marion county, Indiana ;

No. 351, an act for the relief of the school commissioner of Greene county ;

No. 363, an act to exempt lands of revolutionary soldiers from taxation ;

No. 373, an act for the relief of the late collectors of State and county revenue ;

No. 310, an act to provide for the summoning and empannelling

of grand and petit jurors in the counties of Allen, Hamilton, Vigo, Delaware, Grant, Marion, Clark, Switzerland, Spencer, Greene, Putnam, Morgan, Fulton, Jennings and Orange;

No. 311, an act to incorporate the Hoosier Company of Clark county;

No. 318, an act giving additional stay of execution where specie is demanded;

No. 347, an act to amend an act entitled an act supplemental to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges, approved February 10, 1831, approved February 16th, 1839;

No. 360, an act for the relief of Sarah Smith of Greene county;

They have also presented to the Governor the foregoing bills for his signature.

Mr. Nave from the committee on enrolled bills made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled bills with the engrossed bills and find the same correctly enrolled:

No. 189, an act for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased;

No. 44, an act supplemental to an act entitled an act to provide for a keeper of the State House and Library, approved February 2, 1841;

No. 89, an act to incorporate the Martinsville band of musicians;

No. 119, an act to amend an act allowing and regulating the writ of *ad quod damnum*, approved December 20, 1823;

No. 141, an act for the relief of Erastus D. Townsend;

No. 209, an act to amend an act entitled an act to establish certain state roads therein named and for other purposes, approved February 17, 1838;

No. 177, an act to amend an act entitled an act to incorporate the town of Wilmington in Dearborn county;

No. 224, an act to locate a state road from or near the farm of Charles Carter, in the county of Ripley, to the Ripley county line, in a direction towards Columbus, in Bartholomew county;

No. 204, an act to incorporate the Presbyterian Congregation of Lafayette in Tippecanoe county;

No. 226, an act to authorize Elizabeth Neal a minor, to unite with her husband, Thomas J. Neal in the conveyance of real estate;

No. 149, an act to amend an act entitled an act to incorporate the Indiana manufacturing company, approved February 17, 1838;

No. 135, a joint resolution in relation to the early settlement of this State;

No. 164, an act to incorporate the Washington Citizens' Band in the county of Daviess;

No. 185, an act relocating a part of the old state road lying between the mouth of Brdbury's lane on the middle fork and where it strikes the said road between sections fifteen and sixteen in Lancaster township in Jefferson county;

No. 207, an act authorizing the commissioners of the county of Jefferson to sell and dispose of the poor farm in said county and for other purposes;

No. 124 an act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named;

No. 239, an act for the relief of the borrowers of the sinking fund, surplus revenue and other funds, and for the better securing the payment thereof;

No. 234, an act for the attachment of a part of Starke to the county of Laporte;

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, report that they did, on this day, present to his excellency the Governor for his approval and signature, the following enrolled bills and joint resolutions of the Senate, to wit:

No. 2, a joint resolution on the subject of a resumption of specie payments and for other purposes;

No. 128, an act supplemental to an act entitled an act to amend an act entitled an act organising circuit courts and defining their powers and duties, approved February 15, 1838;

No. 134, an act amendatory to an act to organise probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838;

No. 181, an act to incorporate the Franklin turnpike company;

No. 184, an act to vacate the town of New Hartford in the county of White;

No. 190, an act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

No. 197, an act to provide for increasing the stock of the present stockholders in the South Bend Branch of the State Bank;

No. 223, an act to keep in repair the Cumberland and Michigan roads;

No. 230, an act to change the name of Mary Smith to that of Mary Smith Chamberlain;

No. 235, an act supplemental to act entitled an act to relocate part of a state road therein named, approved Feb. 3, 1841, and for other purposes;

No. 236, an act in relation to district schools in Orange county;

No. 240, an act to authorize the board of county commissioners of Hendricks county to rescind an order by them heretofore made.

Mr. Pitcher, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have this day presented to the Governor, for his approval and signature,

No. 182, an act to legalise the election of trustees of the town of Vevay, Indiana ;

No. 193, an act for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes ;

No. 187, an act declaring a certain word a misprint and for other purposes, relative to the county of Orange ;

No. 169, an act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company.

No. 202, an act to authorise the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named ;

No. 146, an act relative to exchange brokers ;

No. 153, an act authorising the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal ;

No. 234, an act to provide for the survey of the town of Perrysville in Vermillion county ;

No. 206, an act further to amend an act entitled an act for the prevention of frauds and perjuries, approved January 24, 1831 ;

No. 192, an act to vacate a certain road in the county of St. Joseph ;

No. 229, an act for the relief of Paris C. Dunning, assignee of Michael Keith ;

Mr. Harris, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills and joint resolution of the Senate, to-wit :

No. 44, an act supplemental to an act entitled an act to provide for a keeper of the State House and Library, approved February 2, 1841 ;

No. 89, an act to incorporate the Martinsville band of musicians ;

No. 119, an act to amend an act allowing and regulating the writ of *ad quod damnum*, approved December 20, 1823 ;

No. 124, an act authorising the recorder of Noble county to correct the records of said county in a certain case therein named ;

No. 135, a joint resolution in relation to the early settlement of this State ;

No. 146, an act for the relief of Erastus D. Townsend ;

No. 147, an act to amend an act entitled an act to incorporate the Indiana Manufacturing Company, approved February 17, 1838 ;

No. 164, an act to incorporate the Washington citizens' band in the county of Daviess ;

No. 177, an act to amend an act entitled an act to incorporate the town of Wilmington in Dearborn county ;

No. 185, an act relocating a part of the old state road lying between the mouth of Bradbury's lane on Middle Fork and where it strikes the said road between sections 15 and 16, in Lancaster township, Jefferson county ;

No. 189, an act for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased ;

No. 204, an act to incorporate the Presbyterian congregation of Lafayette in Tippecanoe county ;

No. 207, an act authorising the county commissioners of Jefferson county to sell and dispose of the poor farm in said county and for other purposes ;

No. 209, an act to amend an act entitled an act to establish certain state roads therein named and for other purposes, approved February 17, 1838 ;

No. 224, an act to locate a state road from or near the farm of Charles Carter, in the county of Ripley, to the Ripley county line, in a direction towards Columbus in Bartholomew county ;

No. 226, an act to authorise Elizabeth Neal, a minor, to unite with her husband, Thomas J. Neal, in the conveyance of real estate ;

No. 234, an act for the attachment of a part of Stark county to the county of Laporte ;

No. 239, an act for the relief of the borrowers of the sinking fund, surplus revenue and other funds, and for the better securing of the payment thereof.

Also, the following enrolled bills and joint resolutions of the House of Representatives, to-wit :

No. 93, an act to fix the time of holding the Marion circuit court :

No. 175, an act to change the mode of selecting petit jurors in Lawrence county, and for other purposes ;

No. 195, an act fixing the times of holding courts in the fourth judicial circuit and for other purposes ;

No. 227, an act to regulate the summoning of petit jurors in Dearborn county ;

No. 230, an act to authorise the board of county commissioners of Kosciusko county to rescind an order by them made ;

No. 244, an act to legalise the proceedings of the board of commissioners of Spencer county in relation to the surplus revenue deposited in said county ;

No. 254, an act to declare a certain road in Wabash county a state road ;

No. 263, an act for the relief of John Tate ;

No. 277, an act to provide for the preservation of the southern end of the southern division of the Central canal;

No. 289, an act for the relief of John Brown;

No. 304, an act relative to a dam and lock in Elkhart river in the county of Elkhart;

No. 307, an act for the relief of purchasers of lands at school commissioners' sale in St. Joseph county;

No. 312, an act to direct the fencing of the grave yard on the poor farm in Marion county;

No. 313, an act regulating the jurisdiction of justices of the peace in Spencer county;

No. 315, an act to extend the provisions of an act for the preservation of sheep, approved January 25, 1841, to the county of Delaware;

No. 321, an act to give corporate powers to the county of Brown;

No. 322, an act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes;

No. 325, an act concerning the Union county seminary;

No. 337, an act to authorise John Bates, Jared A. Ball and Company to build a mill dam across the Little St. Joseph's river in De Kalb county;

No. 340, an act for the relief of the collector of Fayette county;

No. 345, an act to authorise the children of Joseph Richardville to inherit the property of their ancestors;

No. 346, an act to prevent the use of the county seminary of Franklin county as a district school house and for other purposes;

No. 367, an act to regulate the jurisdiction and duties of the justices of the peace in Lawrence county, and amendatory of the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838;

No. 368, an act to provide for the assessor of the county of Harrison to qualify;

No. 369, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein;

No. 370, a joint resolution on the subject of improving the navigation of western rivers;

No. 380, an act authorising the boards doing county business in the counties of Warrick and Spencer to appoint viewers to view a road from Boonville to Mackville;

No. 385, an act to locate a state road therein named and for other purposes;

No. 386, an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and to secure the observance of the 103d section of said act.

The following message was received from his Excellency the Governor by Mr. Kiersted, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has on this day approved and signed the following acts:

No. 187, an act declaring a certain word a misprint and for other purposes, relative to the county of Orange;

No. 193, an act for the relief of Elizabeth Ann McConnehay, *alias* Elizabeth Ann Holmes;

No. 182, an act to legalise the election of trustees in the town of Vevay, Indiana;

No. 169, an act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company.

No. 202, an act to authorise the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named;

No. 146, an act relative to exchange brokers;

No. 153, an act authorising the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal;

No. 234, an act to provide for the survey of the town of Perrysville in Vermillion county.

No. 229, an act for the relief of Parris C. Dunning, assignee of Michael Keith;

No. 192, an act to vacate a certain state road in the county of St. Joseph;

All of which originated in the Senate.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on this day he approved and signed the following acts:

No. 124, an act authorising the recorder of Noble county to correct the records of said county in a certain case therein named;

No. 44, an act supplemental to an act entitled an act to provide for a keeper of the State House and Library, approved February 2, 1841;

No. 89, an act to incorporate the Martinsville band of musicians;

No. 119, an act to amend an act allowing and regulating the writ of *ad quod damnum* approved December 20, 1823;

No. 141, an act for the relief of Erastus D. Townsend;

No. 147, an act to amend an act entitled an act to incorporate the Indiana manufacturing company, approved February 17, 1838;

No. 164, an act to incorporate the Washington citizens' band in the county of Daviess;

No. 177, an act to amend an act entitled an act to incorporate the town of Wilmington in Dearborn county;

No. 185, an act relocating a part of the old state road lying between the mouth of Bradbury's lane on Middle Fork, where it strikes the said road between sections 15 and 16, in Lancaster township, Jefferson county;

No. 189, an act for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased ;

No. 204, an act to incorporate the Presbyterian congregation of Lafayette in Tippecanoe county ;

No. 207, an act authorising the commissioners of the county of Jefferson to sell and dispose of the poor farm in said county, and for other purposes ;

No. 209, an act to amend an act entitled an act to establish certain state roads therein named, and for other purposes, approved February 17, 1838 ;

No. 234, an act for the attachment of a part of Stark county to the county of Laporte ;

No. 224, an act to locate a state road from or near the farm of Charles Carter, in the county of Ripley, to the Ripley county line, in a direction towards Columbus, in Bartholomew county ;

No. 226, an act to authorise Elizabeth Neal, a minor, to unite with her husband, Thomas J. Neal, in the conveyance of real estate ;

No. 186, an act to legalise the acts of the president and trustees of the town of Greencastle ;

No. 143, an act to amend an act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8, 1836 ;

No. 219, an act to amend an act entitled an act to provide for the improvement of the Michigan road, approved February 13, 1841 ;

No. 127, an act to vacate part of the town of Crawfordsville ;

No. 220, an act regulating the jurisdiction of justices of the peace in the county of Jay ;

No. 149, an act to amend an act relating to public roads and highways, approved February 17, 1838 ;

No. 137, an act incorporating the Vincennes Historical and Antiquarian Society ;

No. 176, an act amendatory of an act entitled an act to provide for the settlement of accounts of commissioners of the three per cent. fund in the several counties, approved February 4, 1837 ;

No. 154, an act to incorporate the trustees of the New Albany Theological Seminary ;

No. 111, an act for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties ;

No. 239, an act for the relief of the borrowers of the sinking fund, surplus revenue and other funds and for the better security of the payment thereof.

Also, joint resolutions as follows :

No. 173, a joint resolution on the subject of bank directors ;

No. 135, a joint resolution in relation to the early settlement of this State.

All of which originated in the Senate.

On motion,

The Senate adjourned.

MONDAY, JAN. 31, 1842.

The Senate assembled.

On motion of Mr. Aker,

The reading of Saturday's journal was dispensed with and the Senate took up the

ORDERS OF THE DAY.

Joint resolution No. 432, of the House for the relief of Hugh O'Neal;
Read a third time and passed.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

Resolved, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon the Governor and inform him that both Houses of the General Assembly have completed their legislative business and are now ready to adjourn *sine die*, if he have no further communication to make to them.

And Messrs. Wines of Vigo and Montgomery are appointed said committee on the part of the House.

The House has passed the following joint resolution thereof, to-wit:

No. 433—A joint resolution requiring the State Agent to give an official bond, and to take an oath of office;

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 433, in said message;

Read a first time, when

On motion of Mr. Tannehill

The rules were suspended, the joint resolution read a second and third times and passed.

On motion of Mr. Read

The Senate reciprocated the resolution in said message, and

Messrs. Read and Aker were appointed a committee on the part of the Senate.

Mr. West offered the following protest, which was ordered to be spread upon the journals:

The subscriber protests against so much of the bill making specific appropriations, as allows the two boys who served in the Senate, Moore and Cook, one dollar and fifty cents each per day over and above the original vote allowing those lads but one dollar each per day, thus making an excess of one hundred and eighty dollars paid

out of the treasury, contrary to what was originally intended and they expected.

If the House of Representatives think fit to pay their men \$2.50 per day for doing an arduous duty, it can be no reason why the Senate should raise the wages of these boys to a like rate. Neither was it understood by the subscriber that the House had any wish to regulate the action of the Senate; only insisting upon regulating the pay of their laboring men, who in fact did severe duty; while these boys in the Senate, were mere attendants in the Senate chamber.

NATHL. WEST.

Jan. 31, 1842-

The following message was received from the House of Representatives.

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the Speaker having signed the following bills I am requested to bring them to the Senate for the signature of their President :

No. 158—An act amendatory to the several acts in relation to crimes and punishments;

No. 120—An act to amend the several acts in relation to the surplus revenue;

No. 175—An act for the relief of certain persons therein named;

No. 102—An act to amend an act for the relief of the poor, app. February 17th, 1838;

No. 133—An act to legalize the sale of a certain school section therein named;

No. 230—An act to change the name of Mary Smith to that of Mary Smith Chamberlain;

No. 190—An act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

No. 223—An act to keep in repair the Cumberland and Michigan roads;

No. 184—An act to vacate the town of New Hartford, in the county of White;

No. 197—An act to provide for increasing the stock of the present stockholders in the South Bend branch of the State Bank;

No. 235—An act supplemental to an act entitled an act to relocate part of a State road therein named, approved February 3d, 1841, and for other purposes;

No. 240—An act to authorize the board of county commissioners of Hendricks county to rescind an order by them heretofore made;

No. 134—An act amendatory to an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17th, 1838;

No. 181—An act to incorporate the Franklin Turnpike Company;

No. 128—An act supplemental to an act entitled an act to amend

an act entitled an act organizing circuit courts and defining their powers and duties, app. Feb. 15th, 1838;

No. 2—A joint resolution on the subject of a resumption of specie payments, and for other purposes;

No. 236—An act in relation to district schools in Orange county;

No. 60—An act to repeal so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock and other matters therein contained;

No. 91—An act to provide for the appointment of a commissioner to make deeds and for other purposes;

No. 180—An act in relation to the Marion county library;

No. 214—An act to amend an act entitled an act to organize the militia of Indiana, app. Feb. 10, 1831;

No. 248—An act to amend an act to provide for the distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress, approved 23d of June, 1836, app. Feb. 6th, 1837;

No. 69—An act entitled an act regulating the duties of clerks of the circuit courts and county auditors;

No. 272—An act relative to licensing groceries in the counties of Carroll and Cass;

No. 331—An act to incorporate the Jefferson Fire Engine Hose Company, No. 1;

No. 343—An act appointing bridge commissioners in the counties of Spencer and Perry, and defining their powers and duties;

No. 348—An act to regulate the duties of clerks of the circuit courts and county recorders;

No. 404—An act vacating the town of Osceola, in St. Joseph county;

No. 397—An act to change a part of a certain State road in Greene and Monroe counties;

No. 360—An act to authorize the distribution of the road laws;

No. 387—An act to legalize the acts of the probate courts and the county commissioners' courts in the county of Boone;

No. 430—An act to incorporate the Michigan City Band;

No. 261—An act entitled an act to amend an act to incorporate the town of Newport, in Wayne county, app. February 7, 1835;

No. 396—An act amendatory of an act entitled an act authorizing the appointment of constables and defining their duties app. Feb. 17, 1838;

No. 352—An act appointing commissioners to locate and re-locate State roads therein named;

No. 362—An act supplementary to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d of June, 1836, approved February 6th, 1837;

No. 376—An act making specific appropriations for the year 1842;

No. 378—An act to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;

No. 191—An act to legalize the acts and proceedings of the board of Tippecanoe county, and for other purposes;

No. 199—An act for the location of a certain State road therein named;

No. 241—An act to authorize the opening of a certain alley in the town of Indianapolis;

No. 109—An act for the relief of the inhabitants of school district No. (4) four in congressional township No. (2) two north of range No. (1) one west in Orange county;

No. 237—A joint resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives;

No. 201—An act to amend an act entitled an act for the relief of John Rodolph Fischli, app. Feb. 18, 1839;

No. 96—An act to amend an act entitled an act prescribing the duties of county auditors, app. Feb. 12th, 1841;

No. 196—An act to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

No. 242—An act relative to the duties of State Agent;

No. 242—An act fixing the time of holding courts in the first judicial circuit;

No. 232—An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike;

No. 65—An act to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie Canal east of Tippecanoe river, app. Feb. 15, 1841;

No. 231—An act to authorize the building of the towing-path bridge across the Wabash river at Carrollton, Carroll county, and for other purposes;

No. 294—An act to change a part of a State road therein named;

No. 239—An act taxing individual stock in the several branches of the State Bank of Indiana;

No. 334—An act to create the fourteenth branch bank district;

No. 375—An act making general appropriations for the year 1842;

No. 373—An act to amend an act entitled an act concerning Knox county, app. Jan. 28th, 1839;

No. 403—An act to repeal the 33d section of an act entitled an act to establish certain State roads therein named and for other purposes, app. Feb. 15, 1841;

No. 377—An act relative to the duties of Auditor and Treasurer of State;

No. 405—An act to vacate the town of Castleton, in White county;

No. 372—An act to authorize the collection of State revenue in those counties which have failed to assess or collect the same for the year 1841;

No. 372—An act to authorize Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk, in the conveyance of real estate;

No. 412—An act to create a State road therein named;

No. 422—An act to correct a misprint and to extend the time of completing the public printing ordered by the present Legislature;

No. 410—An act to change the name of Columbia, in Tippecanoe county;

No. 324—An act for the relief of Abram Perkins, collector of the State and county revenue in the county of Daviess for the year 1840;

No. 281—An act to amend an act entitled an act to amend an act entitled an act to allow further time to the Indianapolis and Lawrenceburgh Railroad Company to settle up and close their affairs, app. Feb. 18, 1840, app. Feb. 4th, 1841;

No. 292—An act for the relief of the widow and heirs of John Reasoner, deceased;

No. 285—An act to legalize a marriage therein specified;

No. 401—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this State;

No. 262—An act for the relief of Solomon Russell, late collector of Lake county, and his securities;

No. 364—An act to authorize the building of a bridge over Lassel's creek;

No. 400—An act to legalize the change of the name of the town of Camden, in Jay county;

No. 411—An act empowering Henry Nelson and Mary M. Nelson his wife, to convey certain real estate;

No. 114—An act extending the provisions of an act entitled an act for the relief of settlers on the Wabash and Erie Canal lands, app. Feb. 24, 1840;

No. 384—An act to authorize Philip Mason to convey certain lots to Pinckney James, and for other purposes;

No. 381—An act providing for removing obstructions in St. Joseph river in the counties of Elkhart and St. Joseph;

No. 297—An act for the location of a State road in the county of Brown;

No. 408—A joint resolution on the subject of a lunatic assylum;

No. 359—An act to amend an act incorporating the city of Logansport, app. Feb. 17, 1838;

No. 256—An act to provide for a State road therein named;

No. 289—An act prescribing the mode of levying and collecting township taxes in the county of Dearborn;

No. 305—An act for the relief of purchasers of lots in the town of Indianapolis;

No. 294—An act for the benefit of Blackford county;

No. 292—An act to incorporate the Rushville Band;

No. 287—An act further to amend an act entitled an act relating to public roads and highways, approved Feb. 17, 1838;

No. 288—An act to limit the time of holding circuit courts in Vigo county;

No. 418—An act for the relief of David Sutton, Sr;

No. 425—An act to repeal the 13th section of an act therein named so far as relates to the counties of Porter and Lake;

No. 348—An act to regulate the duties of clerks of the circuit courts, and county recorders;

No. 404—An act vacating the town of Osceola in St. Josephs county;

No. 397—An act to change a part of a certain state road in Green and Monroe counties;

No. 360—An act to authorize the distribution of the road laws;

No. 387—An act to legalize the acts of the probate courts and the county commissioners courts in the county of Boon;

No. 340—An act to incorporate the Michigan city band;

No. 261—An act entitled an act to amend an act to incorporate the town of Newport in Wayne county, app. Feb. —, 1835;

No. 396—An act amendatory of an act entitled an act authorizing the appointment of constables and defining their duties approved Feb. 17, 1838;

No. 352—An act appointing commissioiners to locate and re-locate state roads therein named;

No. 362—An act supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, app. 23d June, 1836, app. Feb. 6, 1837;

No. 376—An act making specific appropriations for the year 1842;

No. 378—An act to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;

No. 191—An act to legalize the acts and proceedings of the board of Tippecanoe county, and for other purposes;

No. 199—An act for the location of a certain state road therein named;

No. 241—An act to authorize the opening of a certain alley in the town of Indianapolis;

No. 109—An act for the relief of the inhabitants of school district No. (4) four in congressional township No. (2) two north of range No. (1) one west in Orange county;

No. 201—An act to amend an act entitled an act for the relief of John Rodolph Fischli, app. Feb. 12, 1841;

No. 96—An act to amend an act entitled an act prescribing the duties of county auditor, app. Feb. 12, 1841;

No. 196—An act to amend an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

No. 242—An act relative to the duties of the State Agent;

No. 232—An act fixing the time of holding courts in the first judicial circuit;

No. 232—An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike;

No. 237—A joint resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives;

Whereupon the President signed the same.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT :

The committee on enrolled bills report that they have compared the following enrolled bills with the engrossed bills and find them truly enrolled:

No. 236—An act in relation to district schools in Orange county;

No. 60—An act to repeal so much of a law passed Feb. 15, 1841 as provides for converting the college fund into bank stock and other matters therein contained;

No. 91—An act to provide for the appointment of a commissioner to make deeds and for other purposes;

No. 214—An act to amend an act entitled an act to organize the militia of Indiana, app. Feb. 10, 1831;

No. 180—An act in relation to the Marion county Library;

No. 362, an act supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved June 23, 1836, approved February 6, 1837;

No. 376, an act making specific appropriations for the year 1842;

No. 278, an act to provide for the partition of the real estate of Joseph McAllister, late of Vanderburgh county, deceased;

No. 138, an act amendatory of the several acts in relation to crime and punishment;

No. 120, an act to amend the several acts in relation to the surplus revenue;

No. 175, an act for the relief of certain persons therein named;

No. 102, an act to amend an act for the relief of the poor, approved February 17, 1838;

No. 133, an act to legalise the sale of a certain school section therein named;

No. 69, an act entitled an act regulating the duties of clerks of the circuit courts and county auditors;

No. 248, an act to amend an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837;

No. 272, an act relative to licensing groceries in the counties of Carroll and Cass;

No. 331, an act to incorporate the Jefferson fire engine and hose company No. 1;

No. 343, an act appointing bridge commissioners in the counties of Spencer and Perry, and defining their powers and duties;

No. 230, an act to change the name of Mary Smith to that of Mary Smith Chamberlain;

No. 190, an act to to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

No. 223, an act to keep in repair the Cumberland and Michigan roads;

No. 184, an act to vacate the town of New Hartford in the county of White;

No. 197, an act to provide for increasing the stock of the present stockholders in the South Bend Branch of the State Bank ;

No. 2, a joint resolution on the subject of a resumption of specie payments and for other purposes ;

No. 236, an act in relation to district schools in Orange county ;

No. 235, an act supplemental to an act entitled an act to relocate part of a state road therein named, approved February 3, 1841, and for other purposes ;

No. 240, an act to authorise the board of county commissioners of Hendricks county to rescind an order by them heretofore made ;

No. 134, an act amendatory of an act to organise probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838 ;

No. 181, an act to incorporate the Franklin turnpike company ;

No. 128, an act supplemental to an act entitled an act to amend an act entitled an act organising circuit courts and defining their powers and duties, approved February 15, 1838 ;

No. 371, an act to compel speculators to pay a road tax equal to that paid by actual settlers ;

No. 283, an act to amend an act entitled an act to provide for the sale of certain lands therein named, approved February 2, 1833 ;

No. 389, an act to incorporate the Garrick Literary Institute ;

No. 338, an act to authorise the leasing of the water power at the town of Pittsburgh, Carroll county, and for other purposes ;

No. 177, an act to repeal part of an act converting the sinking fund, saline fund, college fund, surplus revenue fund and State Bank school fund into bank stock, approved February 15, 1841 ;

No. 375, an act levying a tax for State purposes and for the gradual redemption of treasury notes.

The following message was received from his Excellency, the Governor, by Mr. Kiersted, his private secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that on the 29th instant, he approved and signed the following acts :

No. 120, an act to amend the several acts in relation to the surplus revenue ;

No. 158, an act amendatory of the several acts in relation to crime and punishment ;

No. 175, an act for the relief of certain persons therein named ;

No. 102, an act to amend an act for the relief of the poor, approved February 17, 1838 ;

No. 133, an act to legalise the sale of a certain school section therein named.

And on this day the following acts :

No. 240, an act to authorise the board of county commissioners of Hendricks county to rescind an order by them heretofore made ;

No. 223, an act to keep in repair the Cumberland and Michigan roads ;

No. 197, an act to provide for increasing the stock of the present stockholders in the South Bend Branch of the State Bank ;

No. 235, an act supplemental to an act entitled an act to relocate part of a state road therein named, approved February 3, 1841, and for other purposes ;

No. 230, an act to change the name of Mary Smith to that of Mary Smith Chamberlain ;

No. 190, an act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison ;

No. 184, an act to vacate the town of New Hartford in the county of White ;

No. 181, an act to incorporate the Franklin turnpike company ;

No. 128, an act supplemental to an act entitled an act to amend an act entitled an act organising circuit courts and defining their powers and duties, approved February 15, 1838 ;

No. 134, an act amendatory to an act to organise probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 17, 1838 ;

No. 236, an act in relation to district schools in Orange county ;

No. 2, a joint resolution on the subject of a resumption of specie payments and for other purposes ;

No. 60, an act to repeal so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock, and other matters therein contained ;

No. 91, an act to provide for the appointment of a commissioner to make deeds and for other purposes ;

No. 180, an act in relation to the Marion county library ;

No. 214, an act to amend an act entitled an act to organize the militia of Indiana, approved February 10, 1831 ;

No. 199, an act for the location of a certain state road therein named ;

No. 241, an act to authorise the opening of a certain alley in the town of Indianapolis ;

No. 191, an act to legalise the acts and proceedings of the board of commissioners of Tippecanoe county and for other purposes ;

No. 109, an act for the relief of the inhabitants of school district number four, in congressional township number two north, of range number one west, in Orange county ;

No. 237, a joint resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives ;

No. 31, an act applying certain funds to purposes of education ;

No. 232, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike ;

No. 242, an act fixing the times of holding courts in the first judicial circuit ;

No. 242, an act relative to the duties of the State Agent ;

No. 196, an act to amend an act granting to the citizens of Madison and town of Lawrenceburgh a city charter ;

No. 96, an act to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841 ;

No. 201, an act to amend an act entitled an act for the relief of John Rodolph Fischli, approved February 18, 1839 ;

No. 77, an act to amend the several acts for the regulation of the State Prison.

All of which originated in the Senate.

The following message was received from the House of Representatives, by Mr. Brown, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution :

Resolved, That the Senate be informed that the House of Representatives have gone through their legislative business of the present session, and are now ready to adjourn *sine die*.

Mr. Read, from the select committee appointed to wait upon the Governor, made the following report :

MR. PRESIDENT :

The committee appointed on the part of the Senate to act with a similar committee on the part of the House, have waited on the Governor, and have received for answer that he has no further communications to make.

On motion of Mr. Aker,

Resolved, That the House of Representatives be informed that the Senate has gone through its legislative business of the present session, and is now ready to adjourn *sine die*.

On motion of Mr. Watts,

The Senate adjourned *sine die*.

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BILLS WHICH ORIGINATED IN THE SENATE.

646

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
1	A bill to repeal part of the revenue laws now in force,	28	38, 52, 54, 73, 78,		207		
3	A bill to amend act subjecting real and personal estate to execution,	37	48, 55				
4	A bill to abolish imprisonment for debt,	37	48				
5	A bill to amend act subjecting real and personal estate to execution,	38	48				
6	A bill to reduce the fees and salaries of all officers, &c.,	43	78, 119, 133, 223				
10	A bill to modify the reven. system of Indiana,	47					
11	A bill for the extension of time of sale of real and personal property,	48	88, 108				
12	A bill to amend an act entitled, an act to regulate the taking up of animals and water-craft adrift,	48	88, 144, 184	256	316	352, 354, 379,	381
13	A bill to repeal a part of a certain act therein named,	48	88, 201, 270	257	394	396, 414, 460, 462	464
16	A bill to amend an act incorporating the town of Greensburgh, in Decatur county,	66	102	112	237	277, 289, 290	304

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17	A bill for the establishment of a State road in Fayette county,	66	102	112	122	153, 165, 175	176
18	A bill to repeal a portion of a joint resolution on subject of Michigan road,	71		71	154	206, 236, 247	247
19	A bill for the relief of certain persons therein named,	71	103	110	154	206, 236, 247	247
20	A bill for the relief of owners of Wabash and Erie canal lands,	71	103, 216, 327	348	446	451, 475	569
21	A bill authorizing associate judges of Ripley county to perform duties of probate judge in certain cases,	71		71	92	104, 105	115
22	A bill to amend the act entitled an act to incorporate the Richmond trading and manufacturing company,	71	103, 112,	158	276	313, 314, 315	324
23	A bill to amend an act entitled, an act concerning ejectments, and for relief of occupying claimants of lands,	71	103, 179, 220	257	430	479, 531	533
24	A bill to amend several laws now in force subjecting real and personal estate to execution,	71	103				
25	A bill to legalize the election of Mason Palmer, formerly a justice of the peace of Daviess county,	71	103, 180	181	316	352, 354, 379	381
26	A bill to define the duties of the commissioners of the 3 per cent. fund in Daviess co.,	71	112	140	177	208, 237, 247	247
27	A bill to vacate an alley in the town of Lebanon,	76	103	112	154	206, 237, 247	247
28	A bill for the relief of certain persons therein named, (title changed),	77	103, 122, 140	145			

BILLS OF THE SENATE—CONTINUED.

648

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
29	A bill for the relief of certain persons therein named, -	77	104, 156	171	316	341, 393, 395, 414	416
30	A bill to compel speculators to pay a road tax equal to that paid by actual settlers, -	77	104	113	446	524, 531, 532	
31	A bill applying certain funds to purposes of education, -	83	104, 113, 202	257	490	505, 535, 600, 615	637
32	A bill to repeal an act entitled, an act incorporating the Washington county seminary, -	86	104	113	177	208, 237, 247	247
33	A bill to provide for changing the time of holding the probate courts in the county of Orange, -	86	104	113	177	208, 237, 247	247
34	A bill to amend an act incorporating Congressional townships, -	86	104, 144				
35	A bill to amend an act regulating the mode of doing county business in the several counties in this State, -	102		113	341	355, 363, 380	381
36	A bill to repeal an act subjecting real and personal estate to execution, -	102	113				

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37	A bill to legalise the proceedings of Hamilton Lapham, as comm'r to survey and locate a state road, -	102	113	141	177	208, 237, 247	247
38	A bill to amend act to stop per diem of members in certain cases, -	102	113				
39	A bill for the relief of the heirs and adm'rs of the estate of Cornelius A. Dumaree, dec'd, -	93	113	141	237	277, 289, 290	304
40	A bill providing a St. Bd of Equalization, &c., -	106		108			
41	A bill to amend act reg. the practice in chancery, -	108	160	171			
42	A bill to amend the school law, -	110	160	171			
43	A bill to amend an act relating to co. seminaries, -	111	160	171	316	352, 354, 379	381
44	A bill supplemental to the act entitled an act to provide for keeper of the State House and Library, -	104		257	568		627
45	A bill to provide for the distribution of the laws of Congress to the several counties in this State, -	111	160, 172				
45	A bill for the further relief of the purchasers of seminary lands, &c., -	120	161	172	238	277, 289, 290	304
47	A bill to amend act pointing out mode of levying taxes, -	133	160, 169	257	446	479, 531	533
48	A bill for the relief of Samuel D. Gresham, collector of Carroll county, -	136	161				
49	A bill to declare a county road therein named a state road, -	137	161, 257	286	316	352, 354, 379	381
51	A bill declaring a certain name a misprint, -	137	161	172	237	277, 289, 290	304
52	A bill declaring a certain road therein named a public highway, -	139	162	172	237	277, 289, 290	304

BILLS OF THE SENATE — CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
53	A bill to amend act regulating interest of money in the State of Indiana, -	139	163, 179, 224, 338, [347]				
54	A bill to amend act pointing out mode of levy'g taxes, -	139	162, 215, 350				
55	A bill to amend act regulating interest of money in the State of Indiana, &c., -	139	163				
56	A bill to provide for selecting petit jurors in Hendricks county, &c., -	139	163, 172, 330	257	353	393, 395, 414	416
57	A bill to repeal the act incorporating a seminary in Gibson county, -	140	163	172	237	277, 289, 290	304
58	A bill to amend act incorporating congressional townships, -	140	163, 215	257	445	530, 532	539
59	A bill to repeal act to provide for settlement of suspended claims, &c., -	140	163, 217	257			
60	A bill to repeal so much of the law as provides for converting the college fund into b'k stock, -	140	163, 215, 263	288	570		637
61	A bill supplementary to act concerning clerks, -	144	163, 264				
62	A bill to amend act incorporating congressional townships, &c., -	144		144	207	256, 262, 265	269

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64	A bill to change the time of holding the circuit court in Madison county, -	150		177		208, 249, 262	261
65	A bill to define the duties of county auditor, -	150	164, 264				
66	A bill to authorise reception of proceeds of public lands, &c., -	150	165, 356	365			
67	A bill to abolish the offices of fund comm'r, &c., -	150	165				
68	A bill to provide for the completion of the Wabash and Erie canal, &c., -	157					
69	A bill to amend act pointing out mode of levy'g taxes, -	169	259	286			
70	A bill to reorganise the several judicial circuits, -	169	254, 287	297			
	A bill authorising State Treasurer to collect and pay over surplus revenue to Lake, Wells, and DeKalb, -	170	259	287	445	531, 532	538
71	A bill to repeal part of act for the regulation of the Indiana University, -	170					
72	A bill for the relief of the heirs of Robert Blair, deceased, -	171	259	287	362	393, 395, 414	416
73	A bill to incorporate the Whitewater Valley canal company, -	171	217, 286, 312	313	428	461, 462, 463	464
74	A bill to amend act regulating jurisdiction, &c. of justices of the peace, -	181	261, 270, 285, 298				
75	A bill to amend act regulating jurisdiction, &c. of justices of the peace, -	182	260				
76	A bill to amend act regulating jurisdiction, &c. of justices of the peace, -	184	264, 164				
77	A bill to amend an act for the regulation of the State Prison, -	185	260	287	490	493, 507, 538	638

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BILLS OF THE SENATE — CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
78	A bill to amend the act incorporating the Indiana fire insurance company, -	186	271	288	445	530, 532	538
79	A bill to reorganise the State Board of Equalization and for other purposes, -	212	257, 272	273			
80	A bill to amend certain acts therein named, -	214	271	288	362	393, 395, 414	416
81	A bill to repeal so much of 20th section of act as relates to travelling fees, &c., -	220	271	288			
82	A bill to change the mode of doing county business in Daviess county, -	220	271	288	362	393, 395, 414	416
83	A bill to repeal the Board of Equalization, -	220	271, 288, 294, 296	296	324	352, 354, 379	381
84	A bill declaratory of the meaning of act to prevent speculation, &c., -	223	273, 322				
85	A bill to legalise election and official acts of probate judge of Fulton county, -	223	274	298	362	393, 395, 414	416
86	A bill to extend the time of holding courts in Jefferson and Washington counties, -	223	274	298	362	393, 395, 414	415
87	A bill for the relief of John Tate, -	223	274, 320				
88	A bill to repeal part of act relating to crime and punishment, -	223	274				

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89	A bill to incorporate the Martinsville band of musicians, -	223	274	424	506		627
90	A bill to repeal an act authorising Thomas S. Hinde to establish a ferry, -	223	274, 330		506	538	579
91	A bill to provide for a comm'r to make deeds, -	223	274, 321, 330		570		637
92	A bill to prevent sale or hypothecation of state bonds, -	223	274, 322	331	506	538	579
93	A bill to provide for the popular election of prosecuting attorneys, -	223	274, 322, 360				
94	A bill to legalise the election and official acts of John J. Deming, probate judge of St. Joseph county, -	223	274				
95	A bill to provide means to aid in opening roads and highways, -	223	275	298	362	414, 430, 444	444
96	A bill to amend the act prescribing the duties of county auditor, -	223	275, 482				
97	A bill to amend act to regulate general elections, -	223	275, 511	483	570		638
98	A bill to amend the act incorporating the city of Richmond, in Wayne county, -	240	275, 371				
99	A bill to fix the fees of sheriffs in certain cases, -	240	275	386	506	538	579
100	A bill for the relief of John W. Hitt and others, -	241	331	298	446	479, 531	533
101	A bill to provide for printing part of the constitution, &c. in pamphlet form, -	251	300, 302	299	445	479, 531	533
102	A bill to amend an act for the relief of the poor, -	252	301, 321				
103	A bill supplemental to act regulating practice in suits at law, -	252	301	424	570		636
104	A bill to authorize agents of surplus revenue to dispose of lands, -	263	301, 356	331			
				365	507	538	579

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BILLS OF THE SENATE—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
104	A bill to amend act pointing out mode of levying taxes, - - -	253	301	331	445	462, 463	464
105	A bill to amend an act for the preservation of sheep, - - -	263	301	331	445	479, 531	533
106	A bill to amend several acts incorporating the Lawrenceburgh Bridge Company, - - -	265		265	341	355, 363, 380	381
107	A bill to close the system of internal improvements, &c., - - -	269	301				
108	A bill to amend act more effectually to secure purity of elections, - - -	279	302, 322	331	445	462, 463	464
109	A bill for relief of inhabitants of school district No. 4, in congressional township 2, range 11 west, Orange county, - - -	279	302, 512	541	570		637
110	A bill for the relief of John and Samuel Mathers, - - -	291	331, 348				
111	A bill to relocate certain portions of the Michigan road, - - -	291	332, 348				
	A bill for the better security of college and seminary funds, &c., - - -	291	332	349	570		623

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114	A bill re-organizing first judicial circuit, &c., - - -	294	332, 360, 366	417	553	571, 582	
115	A bill to prevent usurious practices, - - -	294	332	349	507	538	579
116	A bill concerning criminal practice, - - -	294	332				
117	A bill for the more effectual suppression of extortion, - - -	294	332	349			
118	A bill changing the name of Austin Bush to Harrison Bigger Collins, - - -	294		332	353	393, 395, 414	416
119	A bill to amend the act regulating the writ of <i>ad quod damnum</i> , - - -	294	332, 398	425	570		627
120	A bill to amend the several acts in relation to the surplus revenue, - - -	294	332	349	570		636
121	A bill to prevent usury, - - -	294	332, 399				
122	A bill to relocate the state road from Fredonia to the mouth of the Wabash, in Warrick county, - - -	294		333	445		569
123	A bill giving further time to assessors, - - -	299		333	446	479, 531	533
124	A bill authorizing the recorder to correct the records of Noble county in a certain case, - - -	308	349	333	570		627
125	A bill giving the collector of Decatur county further time to collect the balance of 1840, - - -	309	333	333	446		569
126	A bill authorizing aliens to hold real estate, - - -	309					
127	A bill to vacate a part of the town of Crawfordville, - - -	309	334	349	507		623
128	A bill supplemental to the act organizing and defining the powers and duties of circuit courts, - - -	309	334, 433	452	570		637
129	A bill to amend act to organize the militia, - - -	323					
131	A bill amendatory of the acts on the subject of notaries public, - - -	325	350	359	589	614, 615	

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BILLS OF THE SENATE—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole and, in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
132	A bill changing the mode of doing county business in the county of Putnam,	326		349			636
133	A bill to legalize the sale of a certain school section,	327	350	359	570		
134	A bill amendatory to an act to organize probate courts and defining powers and duties of executors, &c.,	328	350, 392	424	570		637
136	A bill to provide for the election of a com'r on Wabash and Erie Canal west of Tippecanoe river,	328	350, 403	404	459	530, 532	539
137	A bill incorporating Vincennes historical and antiquarian society,	329	351				628
138	A bill to amend act for the incorporation of county libraries,	329	369	386			
139	A bill to extend the time of holding courts in Franklin and Ripley,	329	384, 424				
140	A bill for the benefit of the legal heirs of Chas. Phillips, deceased,	329		349	410	462, 480	480
141	A bill for the relief of Erastus D. Townsend,	329		349	571		627

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142	A bill to prevent sale of property under execution for less, &c.,	329	432				
143	A bill to amend act to incorporate Vevay, &c. turnpike companies,	329	371, 385	424	507		628
144	A bill giving further time upon the stay of execution,	337	350				
145	A bill relating to the Vevay Seminary,	337	350	359	446	462, 463	464
146	A bill relative to exchange brokers,	351	360	365	352		627
147	A bill to amend the act incorporating the Indiana manufacturing company,	366	386	424	571		627
149	A bill to amend act relating to public roads and highways,	370	387	424	507		628
150	A bill giving authority to trustees of St. Joseph county seminary,	372		387	410	462, 480	480
151	A bill to provide for collecting debt due from Lawrenceburgh and Indianapolis railroad company,	372	404, 426	427	458	462, 463	464
152	A bill to amend act subjecting real and personal estate to execution,	373	397	420			
153	A bill authorizing sale of 6th chain reservation of land bordering on Wabash and Erie canal,	370	387				
154	A bill for relief of borrowers of loan office funds,	386		552			627
154	A bill to incorporate the trustees of the New Albany Theological Seminary,	386		386	388	395, 405	405
155	A bill to vacate lots in the town of Edinburgh, in Johnson county,	389	427	439	507		628
156	A bill to provide for printing laws in the German language,	392		427	507	538	579
		393	428, 440	442			

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BILLS OF THE SENATE—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
157	A bill relative to the finances of the State University, - - -	397	442				636
158	A bill amendatory of the several acts in relation to crime and punishment, - - -	400	443, 464		588		
159	A bill for the better security of the sinking fund, &c., - - -	404	443				
160	A bill to amend act subjecting real and personal estate to execution, - - -	405	443				
161	A bill fixing the time of holding courts in the 7th circuit, - - -	405	452, 470		553		
164	A bill to incorporate the Washington citizens band in Daviess county, - - -	411	453		541	571	627
165	A bill providing for the sale of certain school lands in Favette county, - - -	416			416	459	538
166	A bill to exempt the members of the Carroll light infantry from working roads, - - -	417	449			530, 532	
167	A bill to repeal a portion of an act regulating salaries of auditor, &c., - - -	417	453				

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168	A bill authorizing the appointment of agent to select site for northern penitentiary, - - -	419	454, 513				
169	A bill to incorporate the Indianapolis, Crawfordsville, &c. turnpike road, - - -	419	451	470	553		627
170	A bill to incorporate the town of Muncietown, - - -	420	454	541			
175	A bill for the relief of certain persons therein named, - - -	421	455	470	588		638
176	A bill relative to the duties of commissioners of 3 per cent. fund, - - -	421	455	470	507		628
177	A bill to amend an act to incorporate the town of Wilmington in Dearborn county, - - -	421		421	571		627
178	A bill to change the time of holding courts in Jay county, - - -	422		455	475	530, 532	538
179	A bill supplemental to the act appointing and defining the duties of constables, - - -	422		455	475	530, 532	538
180	A bill in relation to the Marion co'ty library, - - -	422	434	452			637
181	A bill to incorporate the Franklin turnpike company, - - -	422	514	515	552		637
182	A bill to legalize the election of trustees of the town of Vevay, - - -	434	501	516	552		627
183	A bill to provide for sale of lands returned to school commissioner, &c., - - -	434	501	516			
184	A bill to vacate the town of New Hartford in White county, - - -	435		435	571		637
185	A bill to re-locate part of old State road in Lancaster township, Jefferson county, - - -	433			571		627
186	A bill to legalize the acts of president, &c. of Greencastle, - - -	438		501	531		628
187	A bill declaring a certain word a misprint, - - -	438	501	516	553		627

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BILLS OF THE SENATE—CONTINUED.

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Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
188	A bill attaching Morgan county to tenth judicial circuit, &c.	438	501, 557				
189	A bill for the relief of the widow, heirs, and securities of J. H. Wallace, deceased,	438	501	516	579		628
190	A bill to incorporate the Lutheran and reformed church of Madison,	438	501, 515	541	588		637
191	A bill to legalize the acts, &c. of the board of commissioners of Tippecanoe county,	438	501	516	615		637
192	A bill to vacate a certain State road in St. Joseph county,	438	501		553		627
193	A bill for the relief of Elizabeth Ann McCon- nehy alias Eliza Ann Holmes,	438	501	516	553		627
194	A bill to allow a stay of execution in certain cases,	444	501				
195	A bill for procuring common school statistics,	452		613			
196	A bill to amend an act granting a charter to the citizens of Madison and town of Lawrenceburgh,	452	502	596	609		638

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197	A bill for increasing the private stock in South Bend Branch Bank,	465	502	516	584		637
198	A bill relative to a State road in Washington and Clark counties,	466		466	490		569
199	A bill for the location of a certain State road therein named,	466	503	516	601		637
201	A bill to amend an act for the relief of John Rodolph Fischli,	468	520	542	601		638
202	A bill to authorize the Tippecanoe seminary county board to sell and conv. real estate,	468	502	516	533		627
203	A bill supplemental to act for the continuation of W. and E. canal,	468	503				
204	A bill to incorporate the Presbyterian congregation of Lafayette,	468		541	571		628
205	A bill amendatory of an act relative to crime and punishment,	468	503	517			
206	A bill to amend an act to prevent frauds and perjuries,	469	503	517	553		
207	A bill authorizing the commissioners of Jefferson county to sell the poor farm,	469	523	542	571		628
208	A bill for the relief of the trustees of Mount Salem church,	469		469	490		569
209	A bill to amend an act establishing certain State roads,	469	603	469	571		628
210	A bill for the relief of G. W. Branham & Co.	469					
211	A bill to amend an act relative to the surplus revenue allotted to Carroll county,	469		469	490		569
212	A bill relative to the public square in Evansville, Vanderburgh county,	469		469	490		569

BILLS OF THE SENATE—CONTINUED.

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Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
213	A bill to provide for a more uniform mode of doing township business in Jay county, -	469		469			637
214	A bill to amend an act to organise the militia, -			470	588		
215	A bill relative to the county of Benton, -	480		480			
216	A bill for the better regulation, &c. of certain trust funds, -						
217	A bill for the relief of Ebenezer S. Hawley, former collector of Ripley county, -	481	504, 517				
219	A bill to amend act to provide for improvement of Michigan road, -	481		481	490		569
220	A bill to amend act to provide for improvement of Michigan road, -	494		494	534		628
220	A bill to regulate jurisdiction of justices in Jay county, -	495		495	534		628
222	A bill to locate a certain road in Davies co., -	512	542	562			
223	A bill to keep in repair the Cumberland and Michigan roads, -	512	542	562	588		637
224	A bill to locate a state road in Ripley and Bartholomew counties, -	512	544	545	571		628
226	A bill to authorise Elizabeth Neal and husband to convey real estate, -	516		541	571		628

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229	A bill for the relief of Paris C. Dunning, assignee of Michael Kieth, -	523	542	562	588		627
230	A bill to change the name of Mary Smith, -	526		526			637
231	A bill declaring Sugar creek a public highway, &c., -	526					
232	A bill to provide for opening and repairing public roads in Gibson and Pike counties, -	526		526	601		637
233	A bill to amend act to provide for inspection of beef, &c., -	526	612				
234	A bill to provide for the survey of Perryville, in Vermillion county, -	526			553		627
235	A bill to reduce the salaries of certain officers therein named, -	526	545				
234	A bill for the attachment of a part of Stark to Laporte county, -	541		541	571		628
235	A bill supplemental to an act to relocate part of a state road, -	556		556	588		639
236	A bill in relation to district schools in Orange county, -	561		561	538		637
239	A bill to provide for the payment of contractors on the Madison road, -	515	607				
239	A bill to give further time to the borrowers of the several trust funds, -	566		567			628
240	A bill authorising Hendricks county board to rescind an order, -	567		567	588		636
241	A bill to authorise the opening of a certain alley in Indianapolis, -	567		567			637
242	A bill for the relief of John Elder, -	567			602		

BILLS OF THE SENATE -- CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
242	A bill providing for the appointment of a State Attorney General, - - - - -	576		577	609	611, 613	637
242	A bill fixing the time of holding courts in first judicial circuit, - - - - -	584		584	601		637
241	A bill to amend act establishing office, &c. of notaries, - - - - -	575		606			
245	A bill relative to the coroner of Martin county, - - - - -	596					

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BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
1	A bill to repeal certain laws therein named, - - - - -	49	102, 209, 228, 258, 270		
3	A bill to reorganise the eighth and to create the twelfth judicial circuit, - - - - -	49	51, 60	73	79, 79, 80
4	A bill in relation to the jurisdiction of justices of the peace in Madison county, - - - - -	59	102, 112	140	153, 205, 207, 208
7	A bill extending the time of holding the probate courts in Knox county, - - - - -	117	14 1	151	206, 207, 208
9	A bill to incorporate the First Presbyterian church of Logansport, - - - - -	122	159, 186, 258	258	290, 305, 314
10	A bill to repeal part of eighteenth section of act pointing out the mode of levying, &c., - - - - -	199	299, 351		
11	A bill to authorise the issue of five dollar treasury notes for the redemption of fifty dollar notes, - - - - -	105	151, 355, 384, 416, 435	438	475, 491, 505, 590
14	A bill to amend the act regulating the holding courts in the second judicial circuit, - - - - -				
16	A bill to amend act regulating times of holding courts in second circuit, - - - - -	118	141	151	167, 206, 207, 208

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BILLS FROM THE HOUSE--CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the House.	Passed Senate.	Other proceedings.
18	A bill to regulate the jurisdiction of justices of the peace in Greene county, - - -	118		141	152, 155, 165
20	A bill to legalize the election of probate judge of Laporte county, - - -	118	141	145	206, 207, 208
21	A bill to regulate the jurisdiction of justices of the peace in Hamilton county, - - -	118	141	151	167, 206, 207, 208
25	A bill to repeal the act incorporating the town of Princeton, - - -	118	159, 186	258	290, 305, 314
25	A bill supplemental to an act subjecting real and personal property to execution, - - -				
26	A bill to incorporate the Greencastle band of musicians, - - -				
29	A bill to revive and amend an act therein named, - - -	118	159, 239	258	290, 305, 314
31	A bill regulating justices jurisdiction in the counties of Knox and Vigo, - - -	122	159	385	409, 414, 430, 444
32	A bill relating to the jurisdiction of justices of the peace in actions by and against corporations, - - -	118	159, 239	240	256, 262, 265
33	A bill to amend an act for the promotion of schools in Clark's Grant, - - -	154	172	385	409, 414, 430, 444
		154	172	257	290, 305, 314

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35	A bill for the relief of Charles Purcell, late collector of Posey county, - - -	154	172	257	290, 305, 314
38	A bill to provide for opening and repairing public highways in Owen, Lawrence and Greene, - - -	154	172, 279	280	305, 313, 314, 315
39	A bill to amend an act to incorporate the Orange guards, - - -	154	173, 291	309	325, 340, 342
40	A bill for the relief of Nancy Close, wife of Samuel Close, deceased, - - -	154	173	257	290, 305, 314
42	A bill to abolish imprisonment for debt, - - -	117	160, 179, 242	245	315, 330, 344, 353
					380, 380, 381
43	A bill for the relief of Pliny Hudson, - - -	118	160	172	206, 207, 208
44	A bill for the relief of the borrowers of the sinking fund, surplus revenue and other funds, - - -	306	333, 337, 347, 374	379	491, 504, 535, 553
45	A bill for the collection of the State and county revenue of Vanderburgh county for 1841, - - -	118			566, 577, 582, 589
45	A bill to change a certain State road in Monroe co., - - -	154	173	258	290, 305, 314
49	A bill to regulate jurisdiction of justices in Dubois county, - - -	154	173	258	290, 305, 314
50	A bill for the prevention of usury, - - -	534	565		
52	A bill providing for the election of three school commissioners in Parke county, - - -	154	173, 337	349	355, 362, 363, 380
53	A bill to amend joint resolution concerning standing committees, - - -	154	173		
56	A bill to incorporate the Eel river bridge company, - - -	154	174, 448		459, 462
58	A bill for the relief of Patrick Eagan, - - -	154	174	202	256, 262, 265
59	A bill for the relief of the members of the fire company number one, in Fort Wayne, - - -	154	174	424	459, 479, 531
60	A bill to amend act defining duty of recorders, - - -	176	259		
61	A bill for the relief of Patrick Rush, - - -	154	174	201	256, 262, 265

BILLS OF THE HOUSE—CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole and in the Senate.	Passed Senate.	Other proceedings.
62	A bill for the completion of the Wabash and Erie Canal from Tippecanoe river to Terre Haute, -	154	174, 187, 233	236	248, 249, 256
63	A bill for the relief of Samuel Snoddy, -	167	259	286	304, 305, 314
64	A bill locating a State road in Clay county, -	167		202	208
65	A bill amending an act authorizing payment to contractors on Canal east of Tippecanoe, -				
66	A bill for the relief of William McClure, of Franklin county, -	167	260	613	
67	A bill to authorize a special session of the Marion circuit court, -	167	260, 280	385	394, 409, 413, 430, 444
69	A bill regulating the duties of clerks of the circuit courts and county auditors, -	118		119	121, 142
70	A bill supplemental to the act for the prevention of frauds, -	238	299, 356	365	553
71	A bill to revive an act to incorporate the town of Mooresville, in Morgan county, -	167	260, 321, 398		
74	A bill to legalize the marriage of William Gapen and Malinda G. Moore, -	167	260	424	448, 459, 462
		167	260, 279	297	313, 318, 319, 340

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75	A bill authorizing aliens and foreigners to hold real estate, -	199	299, 448, 467	484	490, 537
76	A bill amendatory of act, &c., for doing township business, -	167	260		
78	A bill supplemental to act for selecting, rating and selling lands east of Tippecanoe river, -	176	299, 323	330	352, 353, 354, 379
81	A bill to provide for the election of a justice of the peace in Jonesborough, Greene county, -	176	299	309	325, 340, 342
82	A bill in relation to granting license in Marion co., -	154	246, 254, 287	288	304, 305, 314
84	A bill for the relief of owners of Indian reservation lands, -	176	482		
86	A bill to amend act regulating duties, &c. of justices of the peace, -	176	299, 357		
87	A bill supplemental to an act authorizing the erection of a dam across White river, in Lawrence county, -	316	334, 551	588	
88	A bill to incorporate the Muncietown and Fort Wayne railroad company, -	199	299	425	461, 463
91	A bill to amend an act to authorize payment to contractors on the canal east of Tippecanoe river, -	249	300, 539	539	571
92	A bill to vacate part of the town of Wilmington, in Clinton county, -	300		309	325, 340, 342
93	A bill to fix the time of holding the Marion circuit court, -	176	300, 522	542	
94	A bill to incorporate the Wayne and Union, &c., turnpike company, -	317	334, 434	452	531, 533
95	A bill to exempt from taxation one hundred dollars worth of personal property, -	177	300, 481		

BILLS FROM THE HOUSE—CONTINUED.

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed House.	Other proceedings.
96	A bill for the relief of contractors on the Madison and Indianapolis railroad, -	489	539, 551, 555, 557	■	
98	A bill to authorize Nathan Kirk to build a bridge on the Michigan road, -	177	300, 325	349	362, 394, 395, 414
100	A bill to change the mode of selecting petit jurors in Jackson county, -	143		143	167, 206, 207, 208
101	A bill to locate a State road, -	177		300	313, 318, 340
102	A bill repealing the 13th, 21st, and 23d sections of act prescribing duties of county treasurers, -	147		148	153, 153, 165, 175
104	A bill to locate a State road in Hancock and Hamilton counties, -	199	300	309	325, 340, 342
107	A bill to provide for the election of a justice of the peace in Shivelville, Hamilton county, -	177	300	309	325, 340, 342
108	A bill to vacate the town of Benton, in Hancock county, -	207	300	309	325, 340, 342
110	A bill for the relief of the owners of certain lots in Indianapolis, -	207	300	309	325, 340, 342
111	A bill changing the mode of doing county business in Clay county, -	317	334	349	394, 395, 414

112	A bill to limit the jurisdiction of justices in Hendricks county, -	317	334, 399		
114	A bill for the relief of settlers on the Wabash and Erie canal lands, -	317	334, 349	603	614
115	A bill relative to the distribution of public arms, -	276	302		474, 533
115	A bill declaring the road from Winslow to Booneville a State road, -	317	334	349	394, 395, 414, 430
116	A bill supplemental to an act to provide for the revision of the laws, -	317	334, 351	359	383, 409, 413, 430, 444
117	A bill to provide for the sale of lands belonging to minors, -	317	335, 401		
118	A bill to prevent the forfeiture of school lands, -	317	335, 369, 402	403	414, 430, 444
120	A bill to amend an act to distribute the surplus revenue, &c., -	317	335, 412		
121	A bill to repeal an act for the preservation of sheep, -	317	335		
123	A bill fixing the times of holding circuit courts in the 9th judicial circuit, -	289			
124	A bill to incorporate the Wabash bridge company, -	317	335, 390	333	352, 354, 380
125	A bill to amend an act to regulate practice in suits at law, -	363	387	425	448, 459, 462
126	A bill to incorporate the White river manufacturing company in Daviess and Knox counties, -	317	335, 413	440	479, 532
127	A bill to amend an act pointing out the mode of levying taxes, -	317	335	349	394, 395, 415
129	A bill amendatory of an act regulating fees and salaries, &c., -	317	335		
131	A bill relative to water power at Delphi, -	317	336, 402	425	461, 463
132	A bill to amend an act authorizing the appointment and defining the duties of constables, -	317	336	349	394, 395, 415

BILLS OF THE HOUSE—CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed House.	Other proceedings.
137	A bill to legalize the official acts of Wm. Wallace, probate judge of Wells county, -	317	336	350	380, 380, 381
138	A bill for the relief of the heirs and legal representatives of Martha Wilson, deceased, -	317		336	352, 354, 380
139	A bill to legalize an election held in Jackson township, Putnam county, -	317		336	352, 354, 380
140	A bill for the relief of Hugh and Robert Stewart, -	316	336, 366	367	394, 406, 407, 409
141	A bill to provide means to place silver creek in a passable condition, -	341	353, 391		
146	A bill concerning tax imposed on lands of non-residents in Pike county for repairing roads, -	341	360	436	459, 479, 532
148	A bill to change the time of holding the pro. courts in Greene county, -	341	360	365	405, 407, 415
149	A bill to exempt probate judges from arrest, -	341	359, 399	425	459, 479, 532
151	A bill to amend act respecting roads and highways, -	341	359, 466		
152	A bill for the relief of Huntington county, -	317	336, 401	470	537
153	A bill to authorize the appointment of a commissioner in Lebanon, Boone county, -	341	160	365	406, 407, 415

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155	A bill to change a part of a certain State road in Greene county, -	341	360	365	406, 407, 415
157	A bill to provide for a settlement with David Bowers and Banner Lawhead, -	341	360	365	406, 407, 415
158	A bill declaring a certain name a misprint, -	341	360	365	406, 407, 415
161	A bill to allow each county to send two students to the State University, -	341	359	365	406, 407, 415
162	A bill to amend act incorporating congressional townships, -	341	359		
163	A bill to establish a tobacco inspection in Point Commerce, Greene county, -	341	359		
165	A bill granting pre-emption rights to settlers on W. and E. canal lands, -	341		342	394, 395, 407, 415
166	A bill to amend an act amendatory to the charter of Michigan City, -	363	483, 519, 542		
167	A bill to locate a state road in Union and Franklin counties, -	262	302	425	459, 479, 532
169	A bill for the relief of the heirs of Daniel Larimore, deceased, -	341	360	365	406, 407, 415
170	A bill amendatory to an act concerning clerks, -	245		245	256, 262, 265
171	A bill to amend act to provide for distributing surplus revenue, -	341	359, 397	426	448, 459, 462
173	A bill to amend an act to incorporate the several townships in Dearborn county, -	409	455		
174	A bill to attach an additional school district to township No. 5, -	342	360	365	406, 407, 415
175	A bill to change the mode of selecting jurors in Lawrence county, -	342	360, 519	365	406, 407, 415
				542	

BILLS OF THE HOUSE—CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
176	A bill to abolish imprisonment for debt, - - -	262	302, 309		
177	A bill converting the sinkings, saline, college, and school funds and surplus revenue into bank stock, -	409	456, 471	484	535, 541, 560, 572, 577 [582, 589]
178	A bill to repeal part of an act providing for the payment of the interest on the public debt, -				432
179	A bill to amend act regulating jurisd'n of justices, -	363	387	364	459, 479, 532
181	A bill concerning petit jurors in certain counties, -	363		425	
182	A bill to amend an act prescribing the duties of co. auditor, -	491	545	564	588
		410	472	484	537
183	A bill to remove the disability of Mary Ann Bruner, -				
184	A bill to authorise John Callahan to build a bridge across Tanner's creek, Dearborn county, -	383		440	474, 531, 533
185	A bill for classing and selecting Wabash and Erie canal lands east of Tippecanoe river, -				
187	A bill for reducing the expenses of and selecting petit jurors in Monroe and Brown counties, -	363	387, 401, 425	426	459, 479, 532
188	A bill to establish female district schools, -	363	388	420	448, 459, 462
189	A bill to amend act to provide for the selection of grand and petit jurors, -	410	472		

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190	A bill to authorise, &c., a bridge across the Kankakee, -	410	472		
191	A bill to provide for the election of prosecuting attorneys by the people, -	446			
192	A bill to repeal part of act for the regulation of Indiana University, -	410	473		
194	A bill exempting the Vincennes fire company making roads, -	342	360	386	409, 414, 430, 444
195	A bill fixing the time of holding courts in the fourth judicial circuit, -	410	473	553	
196	A bill authorising the president judge of third judicial circuit to hold an extra term in Dearborn county, -	410	473	484	537
200	A bill to amend an act declaring Patoka a public highway, -	363	388	425	448, 459, 462
203	A bill to vacate the town of Richardville in Huntington county, -	410		473	531, 533
204	A bill to vacate part of a state road and to declare a portion of a county road a state road, -	410	473	484	537
206	A bill for the relief of James R. McCord, -	353	365	425	448, 460, 462
207	A bill to incorporate the Delphi storage and forwarding company, -	410	465	466	537
208	A bill defining southern boundary of Miami county, -	410	467		490, 506
210	A bill for the location of the seat of justice in the county of Benton, -	507	545		
211	A bill declaring a divorce in a certain case, -			366	398
214	A bill to amend an act locating a certain state road, -	491	543	562	
215	A bill for the relief of Samuel H. Bratton, -	383		383	406, 407, 415
218	A bill to amend an act to incorporate the trustees of Daviess county seminary, -	491	543	562	

BILLS OF THE HOUSE — CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
219	A bill to amend act relating to roads and highways,	507	543, 562		
220	A bill declaring a certain name a misprint, -	507	543	562	
221	A bill to amend an act to establish seats of justice in new counties, -	507	543	562	
222	A bill to amend act relating to crime and punishm't,	453			
223	A bill for the continuance, &c. of the public works,	445	473, 484, 496	501	527
224	A bill to amend an act concerning insane persons,	507	543	562	
225	A bill to provide for the election of a justice of the peace in St. Louis, Bartholomew county, -	507	543	563	
226	A bill to amend an act declaring Patoka a public highway, -	507			
227	A bill to regulate the summoning of petit jurors in Dearborn county, -	508	546	557	
228	A bill to amend act regulat'g practice in suits at law,	395	453		
229	A bill to incor. the trustees of the Laporte University,	353		366	448, 460, 462
230	A bill to authorise the board of commissioners of Kosciusko county to rescind an order, -	508	547	564	
231	A bill to authorise the building of a bridge across the Wabash river in Carroll county, -	508	596	608	

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234	A bill to amend act prescribing duties of county auditors, -	395	453		
235	A bill to amend act to provide for electing county and township officers, -	395	453, 510		
239	A bill for the relief of George Miller of Johnson co.,	362		362	406, 407, 415
240	A bill authorizing the administrator of M. H. Kempton to bring certain suits in Perry county, -	508		566	
244	A bill to legalize the proceedings of commissioners of Spencer county, in relation to surplus revenue, -	508	543	563	
246	A bill regulating damages on protested bills of exchange, -		543, 562		
248	A bill to amend an act for distributing so much of the surplus revenue of the United States, -	491	543	563	
249	A bill to amend act to incorporate Lawrenceburgh turnpike company, -	491	547		
254	A bill to declare a certain road in Wabash county a state road, -	508	543	563	
255	A bill leasing out water power at Wabash dam, No. 4, -	508	596		
256	A bill to provide for a state road therein named, -	508	543	563	
257	A bill to confine the voters of Hamilton, Steuben, De Kalb, Union, Franklin, St. Joseph and Cass to their own townships, -	446	502	517	553
259	A bill for the relief of William Alexander, -	386		386	394, 395, 405
261	An act to amend an act to incorporate the town of Newport, Wayne county, -	508	547	608	614
262	A bill for the relief of Solomon Russell, late collector of Lake county and his securities, -	508	595	602	

BILLS OF THE HOUSE—CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole and, in the Senate.	Passed Senate.	Other proceedings.
263	A bill for the relief of John Tate, - - - - -	508	543	563	
266	A bill to provide for selecting petit jurors in Laporte county, - - - - -	446	502	517	
267	A bill to provide for the return of process in the Shelby circuit court, - - - - -	409			414, 430, 444
268	A bill to fix the time of holding courts in the county of Fountain, - - - - -	430	473		
269	A bill to amend an act to fix the times of holding courts in the fifth judicial circuit, - - - - -	430	443		460, 490
270	A bill to lengthen terms of courts in Dearborn co., - - - - -	430			
271	A bill to amend an act dividing the State into judiciary circuits, &c., - - - - -	508	466	467 537 542 571	
272	A bill relative to licensing groceries in Carroll co., - - - - -	508			583
273	A bill to vacate part of Grimes' addition to the town of Delphi, Carroll county, - - - - -	508	547	562	609
274	A bill to incorporate the Peru bridge company, - - - - -	491	547		
275	A bill to amend an act authorizing the election of a justice of the peace and constable in Washington county, - - - - -	508	543	563	

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277	A bill to provide for the preservation of the southern end of the Central canal, - - - - -	535		536	
278	A bill to provide for the partition of the real estate of Joseph McAlister, deceased, - - - - -	491	543	563	
280	A bill relative to the board of commissioners of Knox county, - - - - -	508	543	563	
281	A bill to amend an act to allow further time to the Lawrenceburgh and Indianapolis railroad company to settle their affairs, - - - - -	508	572	597	
283	A bill to amend an act to provide for the sale of certain lands, - - - - -	572			
285	A bill to legalize a marriage therein specified, - - - - -	572		597	
287	A bill to amend an act relating to public roads and highways, - - - - -	572		608	
288	A bill to incorporate the New Albany bagging and manufacturing company, - - - - -	508	543	563	
289	A bill for the relief of John Brown, - - - - -	508	543	563	
290	A bill to provide for the election of a justice of the peace in Silver creek township, Clark county, - - - - -	508	543	563	
291	A bill to authorize the furnishing of hydrant water to the town of Attica, - - - - -	459		460 537	
291	A bill for the relief of the widow and heirs of John Reasoner, deceased, - - - - -	572		597	
392	A bill for the relief of the owners of certain lots in the town of Bloomington, - - - - -	458		458 537	
294	A bill for the benefit of Blackford county, - - - - -	508	547	583	
295	A bill to repeal part of an act for the location of a road in Harrison and Crawford, - - - - -	586	612		

BILLS OF THE HOUSE—CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
297	A bill for the location of a state road in the county of Brown, - - - - -	508	543	563	
298	A bill prescribing the mode of collecting township taxes in Dearborn county, - - - - -	572		606	
399	A bill taxing individual stock in the branches of the State Bank of Indiana, - - - - -	508	548	612	615
300	A bill to amend an act to incorporate the town of Terre Haute, - - - - -	459		460	531, 533
301	A bill fixing the time of holding the circuit court in Madison county, - - - - -	459	520		
302	A bill to vacate Duret street in the Godfroy addition to the town of Peru, - - - - -	459	503	517	
304	A bill relative to a dam and lock in Elkhart river in Elkhart county, - - - - -	477		517	542
305	A bill for the relief of purchasers of lots in the town of Indianapolis, - - - - -	549	565, 583	584	609
306	A bill to legalize the assignment of certain certificates of purchase, &c., - - - - -	491	548		

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307	A bill for the relief of purchasers of lands at school commissioners sale in St. Joseph county, - - - - -			517	542
310	A bill to provide for summoning and empannelling grand and petit jurors in the counties of Allen Hamilton, &c., - - - - -	491	505	542	571
311	A bill to incorporate the Hoosier company of Clarke county, - - - - -	508	543	563	
312	A bill to direct the fencing of the grave yard on the poor farm in Marion county, - - - - -	491	543	563	
313	A bill relating to jurisdiction of justices in Spencer county, - - - - -	491	543	563	
314	A bill changing the time of holding probate courts in Clay county, - - - - -	491	543	563	
315	A bill to extend the provisions of an act for the preservation of sheep, - - - - -	491	544	563	
316	A bill to amend an act to provide for the mode of doing township business in Miami county, - - - - -	491	344	563	
318	A bill supplemental to an act appointing and defining the duties of constables, - - - - -	491	548, 559	560	571
320	A bill to locate a state road in Clay county, - - - - -	491	548	564	
321	A bill to give corporate powers to the county of Brown, - - - - -	478		541	
322	A bill to provide for refunding money paid for lots in Evansville, sold for taxes, - - - - -	492	544	563	
323	A bill to amend an act for a more uniform mode of doing township business, - - - - -	492	544	563	
324	A bill for the relief of Abraham Perkins, collector of State and county revenue in Davies county, - - - - -	492	548	564	588
325	A bill concerning the Union county seminary, - - - - -	492	544	563	

BILLS OF THE HOUSE—CONTINUED

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
326	A bill for the relief of the late collectors of state and county revenue of Orange county	492	548, 551	564	
331	A bill to incorporate the Jefferson fire engine and hose company,	492	544	563	
333	A bill to change the mode of doing county business in Washington county,	508	548, 556	557	588
334	A bill declaring a county road a state road in the counties of Owen, Clay, Putnam and Clarke,	492	549	567	588
337	A bill to authorise John Bates, Jared A. Ball & Co. to build a dam across Little St. Joseph river,	492	544	563	
338	A bill to authorise the leasing of water power at Pittsburgh in Carroll county,	509	549	595	602
339	A bill to authorise the Tippecanoe county board to establish additional ferries,	492	544	564	
340	A bill for the relief of the late collector of Fayette county,	492	544	564	
341	A bill for the benefit of Wright's school house in Marion county,	492	544	564	

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343	A bill appointing bridge commissioners in the counties of Spencer and Perry,	492	544	564	609
344	A bill to create the fourteenth Branch Bank district,	572		596	
345	A bill to authorise the children of Joseph Richardville to inherit property,	492	544	564	
345	A bill relative to the coroner of Martin county,				
346	A bill to prevent the use of Franklin county seminary as a district school house,	492	544	564	
347	A bill to amend an act for the appointment of trustees to receive deeds for lots,	492	544	564	
348	A bill to regulate the duty of clerks of the circuit courts and county recorders,	553		607	614
351	A bill for the relief of the school commissioner of Greene county,	509	544	564	
352	A bill appointing commissioners to locate and relocate state roads,	572		590	609
357	A bill to repeal an act therein named,	509	549		
359	A bill to amend an act incorporating the city of Logansport,	509	544		
360	A bill for the relief of Sarah Smith of Greene co.,	509	549, 564	564	
362	A bill supplementary for distributing so much of the surplus revenue,	509	544	565	
363	A bill to exempt the lands of revolutionary soldiers from taxation,	509	544	564	
364	A bill to authorise the building of a bridge over La-selles creek,	572		606	
365	A bill amendatory of the several acts regulating foreign and domestic attachments,	588		606	
366	A bill to authorise the distribution of the road laws,	535		596	609

BILLS OF THE HOUSE — CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
367	A bill to regulate jurisdiction of justices in Lawrence county, -	535		536	
368	A bill to provide for the assessor of Harrison co. to qualify, -	509	544	564	
369	A bill to amend an act incorporating congressional townships and providing for schools, -	534		540	
371	A bill to compel speculators to pay a road tax, -	537	566	585	609
372	A bill to authorise the collection of state revenue in counties which failed to collect in 1841, -		565	597	
373	A bill for the relief of late collectors of state and county revenue, -	572		574	
374	A bill levying a tax for State purposes and for gradual redemption of treasury notes, -	572	603	605	
375	A bill making general appropriations for the year 1842, -	572			
376	A bill making specific appropriations for the year 1842, -	572		576	586, 600, 605
377	A bill relative to the duties of Auditor and Treasurer of State, -	572		580	

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379	A bill for the relief of W. W. Read, -	588	606		
380	A bill authorizing the boards doing county business in Warrick and Spencer counties, -	553		555	
381	A bill for removing obstructions in St. Joseph river in Elkhart and St. Joseph counties, -	553		606	
382	A bill relative to the Knox county seminary, -				
383	A bill to provide for the sale of certain lands therein named, -			606	
384	A bill to authorize Philip Mason to convey certain lots to Pinckney James, -	553		606	
385	A bill to locate a state road in Kosciusko county, -	554		555	
386	A bill to regulate duties of justices, &c., in Shelby county, -	554		555	
387	A bill to legalize the acts of the probate and commissioners' courts in Boone county, -	554		564	606
388	A bill to limit the time of holding the circuit courts in Vigo county, -	554		607	614
389	A bill to incorporate the Garrick Literary Institute, -	572		606	
390	A bill to authorize the construction of a railroad, -	572			
391	A bill for the relief of certain persons therein named, -	572		580	
392	A bill to incorporate the Rushville Band, -	572		590	
393	A bill to amend an act concerning Knox county, -	572		580	
394	A bill to change a part of a state road, -	572			
396	A bill amendatory of an act authorizing the appointment of constables, -	572		606	
397	A bill to change part of a state road in Greene and Monroe counties, -	572		580	
400	A bill to legalize the change of the name of the town of Camden, in Jay county, -	572		580	

BILLS OF THE HOUSE—CONTINUED.

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Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
401	A bill to amend an act to regulate the mode of doing county business,	588		589	
403	A bill to repeal the 33d section of the act establishing certain state roads,	573		584	
404	A bill vacating the town plat of Osceola, in St. Joseph county,	586		586	
405	A bill to vacate the town of Castleton,	573		580	
409	A bill to reduce the interest on surplus revenue, &c.,	573			
410	A bill to change the name of the town of Columbia in Tippecanoe county,	573		580	
411	A bill empowering Henry Nelson and Mary M. Nelson to convey real estate,	573		580	
412	A bill to create a state road in Martin and Lawrence counties,	573			
413	A bill to authorize Eliz. Cronk to unite with Martin Cronk in the conveyance of real estate,	573		580	
417	A bill to vacate part of the town of Flemingsburgh in Randolph county,	585		585	
418	A bill for the relief of David Sutton, Sr.,	601		602	

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419	A bill to amend act relative to practice in circuit courts,	588			
422	A bill to correct a misprint and to extend the time for completing the public printing,	588		589	
423	A bill to amend an act in relation to county auditor,	589			
425	A bill to repeal the 13th section of an act so far as it relates to Porter and Lake counties,	589		606	
428	A bill for the relief of purchasers of 16th sections, &c.	589		594	
430	A bill to incorporate the Michigan City Band,	601		602	
431	A bill supplemental to act to distribute surplus revenue,	582			

JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Passed House.	Other proceedings.	Approved.
2	On the subject of a resumption of specie payments,	37	48, 120, 124	132	155	488, 496, 506	637
7	On the subject of a resumption of specie payments by Ohio, &c.,	46	79, 86	102	142	515, 518	166
8	On the subject of an armory in the West,	46	366, 369	55	118	152, 165	152
9	On the subject of repealing duty on salt,	47	88, 358, 360, 364			121, 142, 142	
14	On the subject of the public debt,	57	88				
15	On the subject of the sale of lands mortgaged to sinking fund,	58		58	59	63, 64, 64	64
50	For the benefit of the citizens of the reserved townships in Gibson and Monroe counties,	139		139	167	206, 237, 247	247
63	Providing for the election of an agent to examine branches of the State Bank,	146	164, 343, 362	344	362	381, 388, 429	533
112	Authorizing the distribution of the revised laws of 1838 to Randolph county,	294	332	349	507	479, 531	580
113	In relation to Indiana University,	294	332	349	507	538	580
135	On the subject of obtaining information as to early settlement of this State,	328	350	359	570		628
148	Ratifying the 13th article of the constitution of the United States,	367	336				

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162	To preserve the health and lives of members of the Legislature,	405	427
163	In relation to treasury notes,	408	439
171	In relation to certain funds therein named,	421	454
172	In relation to pensioning officers, &c., of Wayne's campaign,	421	454
173	In relation to Bank directors,	421	455
174	Suspending operation of a section of act therein named,	421	
200	In relation to the Wabash and Erie Canal lands,	468	
228	On the subject of a repeal of the bankrupt law,	522	545
2237	For the preservation of the manuscript journals,	561	
238	For the relief of J. H. and A. Hendricks,	569	607
240	Relative to Auditor of State,	575	
246	To provide for additional treasury notes,	608	

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JOINT RESOLUTIONS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Senate.	Other proceedings.
1	Respecting sales on execution of personal property,	72	81	82	92
12	In relation to the revenue of Marion county, -	65		65	75, 75, 82
14	Relative to Blackford's reports in Lagrange and Hancock counties, -	236	299	309	325, 340, 342
41	To provide for distributing the acts of Congress deposited in Sec. of State's office, -	154	173	257	290, 305, 314
46	On the subject of the National road, -	154		155	199
57	Relative to the reduction of the price of the public lands, -	154	174, 367		
72	Respecting fugitives from justice, -	176	299, 368		
89	In relation to Green River Island, -	199	369		
90	To sell the six chain reservation, -	176	300, 370, 388		
97	For the relief of Alexander Beard, -	177	201, 208	216	236
128	Concerning the north eastern boundary, -	317			
198	Relative to the harbor at St. Joseph, &c. -	410	473	484	537
199	To suspend the operation of a certain law therein named, -	289		333	352, 354, 380
237	For the relief of Samuel H. Patterson and Benjamin Hensley, -	395		453	479, 532

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342	Authorizing improvement board to settle with contractors, -	410		465	490, 530, 533
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